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DEPARTMENT OF THE INTERIOR

FOR THE

FISCAL YEAR ENDED JUNE 30, 1900.

REPORT OF THE
SECRETARY OF THE INTERIOR.
REPORT OF THE
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REPORT

OF THE

SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., November 28, 1900.

SIR: I have the honor to respectfully submit a summary of the operations of the Department of the Interior during the past year, together with such recommendations and suggestions as in my judgment will promote the public interests. The character and the amount of business transacted in the several bureaus, offices, and institutions connected with it are set forth in detail in their respective reports hereto appended.

The public business has been promptly dispatched during the period covered by this report, and the work of the several bureaus and offices, I am gratified to state, is in a most satisfactory condition.

The scope of the jurisdiction of this Department is wide and the affairs in its keeping are varied. The labor involved in the supervising and directing the great diversity of national affairs submitted under you to this Department is enormous and has frequently severely taxed the energies of the several secretaries. In addition to the accumulation of business arising from the rapid development and the extension of the country, Congress has, from time to time, imposed new duties on this Department, greatly augmenting the work to be disposed of without any material additions to the force. This increase of work is notable in the Secretary's office, the great clearing house of the Department, where the handling of the details of the vast volume of business devolves principally upon the chief clerk and the several chiefs of divisions, and requires the exercise of good judgment, superior business qualifications, administrative ability, and, very frequently, legal knowledge. I have accordingly submitted to Congress, in the annual estimates of the Department, such recommendations as the circumstances appear to demand.

I acknowledge with pleasure the valuable aid and assistance cheerfully rendered by the Assistant Secretaries, the Assistant Attorney-General, the heads of bureaus, the chief clerk of the Department, and

the chiefs of divisions of the Secretary's Office in the conduct of the business of this Department, as well as the ability and the energy with which they have severally discharged the duties and obligations of their respective offices.

INDIAN AFFAIRS.

The general condition of the Indians during the year has continued to be satisfactory; no disturbances or serious troubles have occurred, and a reasonable degree of progress toward civilization has been made. The management of the Indian schools has been good, and their increase in number as well as in the enrollment and attendance of pupils indicates a healthy and satisfactory growth.

The population of Indians, exclusive of those in the State of New York and those in the Five Civilized Tribes of the Indian Territory, may be stated approximately to be 181,939, an increase of 353 over the previous year.

Five thousand six hundred and eighteen allotments of land in severalty were made during the year, embracing approximately 890,982.25 acres. The total number of allotments of land made to the Indians since the passage of the act of February 8, 1887 (24 Stats., 388), number approximately 63,368, and have an aggregate acreage of 7,873,570.25.

The five nations or tribes of the Indian Territory comprise the Choctaw, Chickasaw, Creek, Cherokee, and Seminole. The approximate area of lands embraced in the Indian Territory and controlled by these five tribes is 19,776,286 acres, with an estimated aggregate population of 84,750 Indians, including freedmen.

It is estimated that at the present time there are approximatety between 350,000 and 400,000 white people, noncitizens, within the limits of the five nations.

No allotments of land have been made to the members of the five tribes, but in the Creek Nation there have been recorded 10,000 selections for allotments.

During the year there were employed 1,605 Indians in the agency service proper as herders, teamsters, harness makers, clerks, shoemakers, butchers, blacksmiths, and kindred occupations, to whom were paid salaries aggregating $318,672; and in the Indian school service there were employed 695 Indians for the work of nurses, matrons, clerks, cooks, bakers, laundresses, industrial and other teachers, usually as assistants but occasionally at the head of the respective departments, receiving salaries ranging from $1,000 to $120 per annum, and aggregating $270,357.

APPROPRIATIONS.

The aggregate of appropriations on account of the Indian service for the fiscal year ending June 30, 1900, was $7,678,863.19. Of this

$7,504,775.81 was provided for in the act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes, and $174,087.38 by various other acts. The total amount appropriated on account of the Indian service for the fiscal year ending June 30, 1901, is $8,873,239.24, which is $1,123,287.30 more than for the past fiscal year.

The items of difference between the appropriations for 1900 and those for 1901 are as follows:

Increase:		
Incidental expenses		$11,780.00
Support of schools		144,287.00
Miscellaneous		638,387.41
Payment for land		527,400.00
Total		$1,321,854.41
Decrease:		
Current and contingent expenses	$7,138.75	
Fulfilling treaty stipulations	153,153.36	
Miscellaneous support	38,375.00	
Total		198,567.11
Net increase		$1,123,287.30

The entire expenditures for the fiscal year ending June 30, 1900, from moneys appropriated, including trust funds, interest on same, and proceeds of lands, were $10,175,106.76, itemized as follows:

Current and contingent expenses	$618,487.39
Fulfilling treaty stipulations	2,410,310.75
Miscellaneous supports, gratuities	586,474.49
Trust funds:	
Interest	1,498,651.48
Principal	216,267.04
Proceeds of land	94,869.40
Incidental expenses	62,801.82
Support of schools	2,734,245.06
Miscellaneous	1,952,999.33
Total	$10,175,106.76

The different objects of appropriation for the Indian service for the years 1900 and 1901, respectively, are shown in the following table:

	1900.	1901.
Current and contingent expenses	$811,440.00	$824,240.00
Fulfilling treaty stipulations	2,665,600.81	2,512,447.45
Miscellaneous supports, gratuities	682,125.00	646,500.00
Incidental expenses	80,900.00	92,680.00
Support of schools	2,936,080.00	3,080,367.00
Miscellaneous	354,117.38	1,041,004.79
Payment for lands	148,600.00	676,000.00
Total	$7,678,863.19	$8,873,239.24

The income of the various Indian tribes from all sources during the year may be stated as follows: (*a*) Interest on trust funds, $1,387,349.37; (*b*) treaty and agreement obligations, $2,702,648.82; (*c*) gratuities, $712,625; (*d*) Indian moneys, proceeds of leases, labor, etc., $797,209.92; (*e*) a total of $5,599,833.11, as against $6,146,202.91 of the last fiscal year.

a Interest on uninvested funds held in trust by the Government under the provisions of the act of April 1, 1880 (21 Stats., 70), and other acts of Congress. Paid in cash, as provided by law, to the various Indian tribes as treaties require, or expended, under the supervision of the Department, for the support, education, and civilization of the respective Indian tribes.

b Appropriated by Congress annually, under treaty stipulations, subject to changes by limitations of treaties. Expended under the supervision of the Department for the support, etc., of the Indians, or paid in cash, as provided by treaty.

c Donated by Congress for the necessary support of Indians having no treaties, or those whose treaties have expired, or whose funds arising from existing treaties are inadequate. Expended under the supervision of the Department.

d Proceeds of leasing of tribal lands for grazing and farming purposes, and results of Indian labor. Moneys collected through Indian agents, and expended under the direction of the Department for the benefit of the Indians, or paid to them in cash per capita.

e In addition to this total, a large income, amounting in the aggregate to probably a million and a half dollars, is received by individual Indians from sales of beef cattle and various products to the Government, the freighting of Indian supplies, the sales of products to private persons, and from the leasing or working on shares of allotted lands.

The total amount of money expended by the Government for the Indian service from March 4, 1789, to June 30, 1900, is shown by the records of the Treasury Department to be $368,358,217.17.

TRANSPORTATION OF SUPPLIES.—In previous annual reports it was recommended that Congress give the Department the option of transporting supplies for Indians under contracts let to the lowest bidders, as required by the act of March 3, 1877 (19 Stat., 291), or by "common carriers." Accordingly the deficiency appropriation act of July 7, 1898, contained the following clause, to wit:

> That from and after the passage of this act Indian goods and supplies shall be transported under contract as provided in the act of March 3, 1877, or in open market by common carriers, as the Secretary of the Interior, in his discretion, shall determine (30 Stat., 676).

At the annual letting of contracts in Chicago in April, 1899, all bids for transportation were rejected, and the Commissioner of Indian Affairs made, successfully, the experiment of shipping supplies for the last fiscal year in open market at tariff rates or better. During that period 13,973,645 pounds of freight were transported at an actual cost of $135,432.91, which, under the rates offered by bidders in April of 1899, would have cost $182,025.39.

The Government now assumes the risks of shortage and shrinkage which hitherto contractors were responsible for. As an instance, it may be stated that last fall $3,937.37 worth of goods were lost by the sinking of a steamer, but whether this loss will fall on the Government or the carrier has not yet been determined. Allowing, however, for such accidents and for increase of clerical work required by the new system, the expense of hauling, occasional storage charges, etc., the saving of full 20 per cent has been effected.

OBSTACLES TO SELF-SUPPORT.—The number of Indians who regularly receive rations, usually twice a month, is about 45,270. The maximum ration is 150 pounds net beef (or bacon in lieu), 3 pounds beans, 4 pounds coffee, 50 pounds flour, and 7 pounds sugar to 100 rations, and would cost at current prices about $51 per annum; but a full ration is seldom given, as seen from the following table), showing the tribes to whom rations are issued and the cost of such rations:

Agency.	Tribes.	Number requiring rations.	Cost per capita.
Blackfeet, Mont	Blackfeet, Bloods, and Piegan	1,850	$33.00
Crow, Mont	Crows	1,850	29.00
Fort Belknap, Mont	Grosventre and Assiniboin	1,027	42.00
Fort Peck, Mont	Yanktonai Sioux and Assiniboin	1,654	23.00
Tongue River, Mont	Northern Cheyenne	1,354	47.00
Shoshoni, Wyo	Shoshoni, and Northern Arapaho	1,400	30.00
Southern Ute, Colo	Ute	972	13.00
Ouray, Utah	do	700	17.00
Uinta, etc., Utah	do	770	12.00
Fort Hall, Idaho	Shoshoni and Bannock	1,288	13.00
Lemhi, Idaho	Shoshoni, Bannock, and Sheepeater	365	17.00
Fort Berthold, N. Dak	Arikaree, Grosventre, and Mandan	1,018	17.00
Yankton, S. Dak	Sioux	1,540	13.00
Cheyenne and Arapaho, Okla	Cheyenne and Arapaho	2,500	16.00
Kiowa, Okla	Apache, Kiowa, Comanche, Wichita, etc	3,296	9.00
Jicarilla, N. Mex	Jicarilla, Apache	843	23.00
San Carlos, Ariz	Apache	2,627	24.00
Fort Apache, Ariz	do	1,789	9.00
Colorado River, Ariz	Mohave, etc	550	6.00
Total		27,366	

From this statement there is omitted, however, 17,876 Sioux whose ration per 100 persons as established by the agreement of 1876 is 150 pounds of beef (or 50 pounds bacon in lieu thereof), 50 pounds flour, 50 pounds corn, 4 pounds coffee, 8 pounds sugar, and 8 pounds beans, so that for every 100 rations the cost equals about $50 per capita per annum. The Sioux ration has been gradually reduced so that as now issued it costs about $25 per capita. Even now these Indians receive, in the two principal items, 1 pound beef net, and 3/4 ounces flour a day to every man, woman, and child. With this and improvements

Where an Indian allottee is incapacitated by physical disability or decrepitude of age from occupying and working his allotment, it is proper to permit him to lease it, and it was to meet such cases as this that the law was originally enacted. Had leases been confined to such cases there would be little, if any, room for criticism. Existing law, however, has opened the door for leasing in general, which defeats the object of allotments and paralyzes Indian industry and progress.

EDUCATION.—The Indian school system does not contemplate giving the Indians what is known as a "higher education." It aims to provide a training which will prepare the Indian boy or girl for the everyday life of the average American citizen. As a consequence, the cost of instruction is mostly limited to what is usually taught in the common schools of the country, with the addition of industrial training in the trades, agriculture, and all the domestic arts. The training of some of the Indian girls as nurses is also being undertaken in a few of the schools. Nonreservation schools are, as a rule, the largest institutions devoted to Indian education, and are located off the reservations and usually near cities or populous districts, where the object lessons of white civilization are constantly presented to the pupils. The three largest are at Carlisle, Pa., Phœnix, Ariz., and Lawrence, Kans., having, respectively, 1,000, 700, and 600 pupils. Of the medium-sized schools those at Chemawa, Oregon, and Chilocco, Indian Territory, are examples, accommodating 400 each. The rest of the 25 nonreservation schools are smaller and not so thoroughly equipped for teaching trades.

There are 81 boarding schools located on the different reservations, an increase of 11 over last year; they rarely exceed 200 in capacity. They stand as object lessons among the homes of the Indians, the latter being permitted to visit their children wherever possible. The agency workshops are coordinated with the training received at the schools.

The Government day schools numbered 147 last fiscal year, an increase of 5; they accommodate 30 to 40 pupils and are usually conducted by a man and his wife, who have a garden, some stock, a few tools, and furnish the pupils a noonday luncheon. The boys get the rudiments of an industrial education and the girls some lessons in cooking, sewing, and laundry work.

PUBLIC SCHOOL CONTRACTS.—Notwithstanding the offer by the Government of $10 per quarter per capita (based on average attendance) to any public school that will receive Indians as pupils, during the past year only 246 pupils have been enrolled in 22 schools, with an average attendance of only 118. This is the smallest number since 1894. Public schools are valuable for Indian pupils only when they are located in sections favorable to the coeducation of the races.

ATTENDANCE.—Exclusive of the Indians in New York and among the Five Civilized Tribes, the following are the statistics for school attendance during the past year:

Kind of school.	Enrollment.			Average attendance.			Number of schools, 1900.
	1899.	1900.	Increase.	1899.	1900.	Increase.	
Government schools:							
Nonreservation boarding	6,880	7,430	550	6,004	6,241	237	25
Reservation boarding	8,881	9,604	723	7,433	8,094	661	81
Day	4,951	5,090	139	3,281	3,525	244	147
Total	20,712	22,124	1,412	16,718	17,860	1,142	253
Contract schools:							
Boarding	2,468	2,376	[1]92	2,159	2,098	[1]61	28
Day	42	30	[1]12	29	24	[1]5	2
Boarding specially appropriated for	393	400	7	335	329	[1]6	2
Total	2,903	2,806	[1]97	2,525	2,451	[1]72	32
Public	326	246	[1]80	167	118	[1]49	([2])
Mission boarding[3]	1,079	1,062	[1]17	960	946	[1]14	17
Mission day	182	213	31	154	193	39	5
Aggregate	25,202	26,451	1,249	20,523	21,568	1,046	307

[1] Decrease.

[2] Twenty-two public schools in which pupils are taught not enumerated here.

[3] These schools are conducted by religious societies, some of which receive from the Government for the Indian children the rations and clothing to which the children are entitled as reservation Indians.

With the exceptions above indicated, the school population of the Indians is from 45,000 to 47,000. Deducting 30 per cent for the sick and otherwise disabled leaves 34,000 Indian children to be provided for, of whom 26,000 have been in school during the past year. For the last nineteen years the yearly increase in the enrollment of Indian pupils has averaged nearly 1,000. This growth should be annually met by increased facilities.

CONTRACT SCHOOLS.—The amount allowed for contract schools last year was only $113,242, being 15 per cent of the amount in 1895. This does not include three schools among the Osage and Sauk and Foxes paid for out of tribal funds. Government aid has been given schools carried on by religious societies since a $10,000 allowance was made in 1819. In 1892 it had reached $611,570. Since then it has slowly decreased, party through voluntary discontinuance of Government aid by some societies, but especially through legislation. Beginning in 1896, Congress reduced the amount 20, 30, 10, 10, 15, and 15 per cent, so that for the current fiscal year no authority for making school contracts is given, except that special appropriation was made for the partial support of Indian pupils at Hampton, Va. For the most part these hitherto contract schools are being continued by the societies having them in charge.

MISSION SCHOOLS.—Mission schools are those supported by religious societies without Government aid. If located where Indians receive regular rations the pupil's share of food and clothing is issued to the school instead of to his family. These schools enrolled during the past year 1,275 pupils, with an average attendance of 1,139.

The outing system is one by which Indian pupils are placed during the summer or for longer periods in families (generally farmers) where they receive individual care and training and small wages. It originated with Major Pratt, of Carlisle, and has had its most extensive development there, though it is being put in operation at other schools also. The earnings of Carlisle's outing pupils for the past year amounted to $24,692.66. Each pupil has a bank account. This is carrying out on a large scale and with most satisfactory results the plan of the early colonists in Virginia and Plymouth, who proposed, for practical educational purposes, to bring up the children of the natives in their own homes.

COMPULSORY EDUCATION.—The ignorance and superstition of the average Indian father and mother is the chief obstacle in the way of getting Indian children into school, and sometimes vicious white men foster the opposition of the older Indians to education. Many tribes, however, favor the schooling of their children, and returned students are most helpful in that direction. What is needed, the commissioner states, is a compulsory school law, such as in force in twenty-nine States and two Territories, which will have strong moral effect even though not strenuously enforced.

SCHOOL PLANTS.—In buildings constructed in recent years dormitories are of only two stories, and have sufficient fire escapes. In sewerage, ventilation, and planning of recitation rooms, etc., hygienic principles are carefully considered. The heating is by steam or hot water, the lighting by electricity or gasoline. Considerable attention is also paid to the ornamentation of school grounds.

MISCELLANEOUS.—The value of schools, plants, farms, etc., will reach $4,000,000. Substantial improvements have been made at many schools during the year, water and sewerage being especially looked after. The Clontarf, Minn., School has been discontinued and the property sold. New buildings have been given or are being constructed for the following schools: Morris, Navajo, Little Water, Pyramid Lake, Oneida, Pima, Fort Belknap, Yuma, Carson, Fort Lewis, Seger Colony, Haskell, Red Lake, Leech Lake, Tomah, Pipestone, and Phoenix. New schools are about to be established at three points on the Chippewa reservations, Minn., and at Truxton Canyon, Ariz., and Jicarilla Reservation, N. Mex., and Hayward, Wis.

The Perris School, California, has an unfavorable location, and a new site has been chosen near Riverside, for which, with buildings, Congress appropriated $75,000. The Blackfeet and Fort Hall schools

are to be moved to new and suitable sites. The burned Winnebago and Mount Pleasant buildings are to be replaced; also the miserable buildings at Fort Apache. A new dormitory will be given the Umatilla School. A new school is to be established on Pryor Creek, Crow Reservation. The Flatheads, Southern Utes, and Northern Cheyennes are to be given Government boarding schools for the first time.

School appropriations for the current fiscal year aggregate $3,080,367, as against $2,936,080 for last year, an increase of nearly 5 per cent.

INSTITUTES.—The association of Indian school employees at the annual institutes is beneficial. Schools, as a rule, are located far from the centers of civilization and thought, and therefore these gatherings are for the purpose of bringing together those engaged in a similar work in order that notes may be compared upon the best means of effecting the civilization of the Indians. Different localities represent different types of Indians and different theories of management. These meetings open discussions of practical matters and furnish food for thought and action during the coming year.

An Indian school service institute was held in Charleston, S. C., July 5 to 13, as a department of the National Educational Association. An exhibit was made of specimens of literary and industrial work from the various schools which attracted much attention. Summer schools were also held for those in the vicinity of Chemawa, Puyallup, and Pine Ridge.

An Indian school exhibit was sent to the Paris Exposition to form a part of the educational exhibit of the United States. It consisted of bound volumes of class-room papers, photographs, and articles manufactured in the various school shops; also a crayon head by Angel Decora and some specimens of native art used decoratively.

COMMISSIONS.

The Crow, Flatheads, etc., commission was, by the act of March 3, 1899 (30 Stat. L., 1235), authorized to continue its work until the 1st of April, 1900, and thereupon to cease. The appropriation, however, for its salaries and expenses was for a limited amount, and as it was nearly exhausted on the 18th of November, 1899, the commission was directed to stop further work on that date. The suspension of the commission continued until April 1, 1900, when it ceased to exist as such by operation of law.

The following provision, however, was made by Congress in the deficiency appropriation act approved June 6, 1900 (31 Stat. L., 302), for continuing this commission:

> For continuing after the passage of this act and during the fiscal year nineteen hundred and one the work of the commission under the act of Congress approved June tenth, eighteen hundred and ninety-six, to negotiate with the Crow, Flathead, and other Indians, fifteen thousand dollars, and the members of said commission shall perform such duties as may be required of them by the Secretary of the Interior

There remain of the tribes named in the act of June 10, 1896, which provided for the appointment of this commission, only the Yakima in Washington and the Flatheads in Montana with whom agreements have not been concluded.

The members of the commission appointed July 25, 1900, have been supplied with instructions necessary for their guidance in the conduct of negotiations with these two tribes and directed to proceed first to the Yakima Reservation and begin their work. The appropriations of this commission since its original appointment of August, 1866, have aggregated $64,500.

The Chippewa commission, consisting of one person, was, as stated in my last annual report, directed to close the work on the 31st of December, 1899; subsequently, however, his services were continued, and on April 9, 1900, a schedule was submitted showing allotments to 4,211 Indians on the White Earth Reservation, and on July 21, 1900, a supplemental schedule was submitted showing additional allotments to 160 Indians on said reservation.

On June 20, 1900, the commission was directed to suspend further work and close its accounts, and on the 21st of July, 1900, the commission reported that on that date it had turned over to the United States Indian agent of the White Earth Agency all books, records, papers, etc., thus finally closing the work of the commission.

The Puyallup commission has, under authority contained in the act of May 31, 1900, continued to superintend the sales of lands on the Puyallup Reservation, which consists of allotted lands and an agency tract. Satisfactory progress in the work has been made, but the ascertainment and determination of the legal heirs of deceased allottees is necessarily slow and sometimes difficult because the heirs are scattered, some living in other parts of Washington than the reservation, others in Oregon and elsewhere, even in Alaska. Notwithstanding the fact that it is difficult to reach the parties to obtain proper evidence of heirship, but few cases are delayed on that account.

ALLOTMENTS AND PATENTS.

The progress made in allotment work since the last annual report is as follows:

ALLOTMENTS ON RESERVATIONS.—During the year patents have been issued and delivered to the following Indians:

Chippewa of Lake Superior on the Bad River Reservation, Wis	135
Chippewa of Lake Superior on the Lac du Flambeau Reservation, Wis	152
Chippewa of the Mississippi on Deer Creek Reservation, Minn	4
Omaha in Nebraska	799
Santee Sioux in Nebraska	481
Sioux of the Devils Lake Reservation, N. Dak	3
Umatilla Reservation, Oreg	887

Allotments have been approved by the Department as follows:

Colville Reservation, Wash	646
Fort Berthold Reservation, N. Dak	940
Klamath Reservation, Oreg	1,174
Oto Reservation, Okla	440
Sioux of the Rosebud Reservation, S. Dak. (including 469 previously approved which have been revised under act of March 3, 1899, 30 Stats., 1692)	3,107
Yakima Reservation, Wash. (approved September 13, 1899, but not included in last annual report)	599
Certificates issued to members of the Kiowa and Comanche tribes	6

On the Cheyenne Reservation 127 allotments have been made during the past year.

The agreement concluded with the Comanche, Kiowa, and Apache tribes of Indians October 21, 1892, as ratified by Congress June 6, 1900, provides, among other things, for the allotment of 160 acres of land to each member of said tribes, the allotments to be selected within ninety days from the ratification of the agreement, and authorizes the Secretary to extend this time in his discretion, provided the allotment work shall be completed within six months from the passage of the act. No appropriation, however, was made for this work, and it was necessary to use for the purpose a portion of the appropriation of $20,000 for surveying and allotting Indian reservations. Inspector Nesler was assigned to the work, and reports received from him clearly indicate that it will not be possible to complete the making of the allotments within the time fixed by the act of June 6, 1900, to wit, December 6, 1900; nor is the money available sufficient to enable him to do so. It will therefore be necessary to procure legislation extending the time and a further appropriation to complete the work, as well as an additional appropriation for carrying on the surveying and allotting of other Indian lands.

On the Omaha Reservation the work of making additional allotments has been completed, so far as practicable, pending the determination of suits for tribal rights instituted by mixed bloods.

On the Winnebago Reservation investigation is being made into the rights of parties to whom patents were issued under the act of February 21, 1863, preliminary to completing allotments under the general allotment act.

Revision of allotments on the Rosebud Reserve so as to divide them equally between husbands and wives has been completed; in all there have been 4,057 allotments, leaving some 800 yet to be made.

On the Shoshone Reservation, Allotting Agent Werts was relieved from duty after he had made 205 allotments; his predecessor had completed 1,310. Further allotment work has been suspended, pending the determination of a suitable system of irrigation for this reservation.

In the Helena (Mont.) land district 52 applications for allotments were found to have been made for Indian women married to white

men, and their children. Many of them were enrolled and drew rations at the Blackfeet Agency while living on the public domain with their white husbands and fathers. Proper steps have been taken to cancel these applications.

For the Wenatchi Indians in Washington but little suitable vacant land has been found and only 18 allotments made.

In the Independence, Cal., land district application made August 31, 1891, for an allotment for Mike Williams, aged 15, has been refused, his father being a white man and his mother a full-blood Manache Indian. The Commissioner of Indian Affairs approved the application for the reason that prior to August 3, 1896, such applicants had been recognized by the Department; the conclusion reached by the Assistant Attorney-General, however, to whom the matter had been referred, was that the child followed the status of the father and, accordingly, the action of the Commissioner in the premises was reversed.

Similarly the application of Stephen Gheen, a half-breed Chippewa Indian, for an allotment was also refused.

IRRIGATION.—The Indian appropriation act for the current fiscal year authorizes the Secretary of the Interior to employ not exceeding two superintendents of irrigation, who shall be skilled irrigation engineers. Under this authority George Butler is employed as superintendent of irrigation on the Wind River Reservation in Wyoming, and John D. Harper has recently been appointed such superintendent for the pueblos of New Mexico, several of these communities being in a distressing state of poverty from lack of water.

The amount of the appropriation available for irrigation purposes during the current fiscal year, aside from the funds of a few tribes, is $50,000.

On Colorado River Reservation, Ariz., a steam engine and pump has been installed by which water has been supplied to and successfully irrigated a limited tract of land.

There is an abundant water supply, said to be capable of irrigating some 300,000 acres of land, which will produce any of the fruits, vegetables, or grains that can be grown in southern California. To construct a system of irrigation for these lands, will necessarily be an undertaking of considerable magnitude, but it will sooner or later become a necessity.

Pima Reservation, Ariz.—The matter of a proper water supply for the Pima Indians on the Gila River Reservation in Arizona has received much attention. When the lands around the reservation were sparsely settled, the Indians could obtain a sufficient supply of water to irrigate enough of the reservation to raise crops for their support. As the country settled up, the water in the river was appropriated by the settlers above the reservation, so that during the last few years the river has been almost dry on the reservation during the irrigation season.

Proper legal proceedings to stop the diversion of water from the Indians have been taken; they are, however, only entitled to so much of the waters of the river as they have been accustomed to use, and this amount it has been found impossible to determine.

The result of an investigation of the water supply, made under the direction of the Geological Survey, showed that there was no method of obtaining a sufficient supply of water, except by the construction of a dam and reservoir at some point on the river above the reservation.

The estimate for the entire work, including damages for right of way and diversion dam at the head of the Florence Canal, was $1,038,926. The reservoir is estimated to be of sufficient capacity to irrigate100,000 acres in addition to the lands of the Indians. As the valuation of a perpetual water right is not less than $10 per acre in Arizona, the value of the lands reclaimed, in addition to the Indian lands, would be equal to the proposed appropriation.

During the last session of Congress a bill (H. R. 3733) to authorize the construction of a reservoir near San Carlos to provide water for irrigating Sacaton Reservation and for other purposes was introduced and favorably reported upon by the Department, but failed to become a law. An appropriation, however, was made of $30,000 for the temporary support of the Indians of the Pima Agency. Steps were immediately taken to ascertain the extent of the destitution of these Indians. Temporary aid has been afforded them, and seeds for planting, to enable them to supply crops next season, have been furnished; and means for supplying water for irrigating a part of the lands of the reservation are now under consideration.

These Indians have heretofore been self-supporting, and if provided with a sufficient water supply can without doubt support themselves in comfort with no pecuniary assistance from the Government; otherwise it is likely that appropriations for their support must be continued indefinitely.

FORT HALL RESERVATION, IDAHO.—A portion of the canal constructed by the Idaho Canal Company on the Fort Hall Indian Reservation, Idaho, has proved a failure, owing to faulty construction, and further payments under the contract have been suspended. The company is in the hands of a receiver and several thousand dollars of liens have been filed on the work. As long as the work fails to meet the requirements of the contract and so long as claims on account of the work on the canal remain unsatisfied, which might be enforced to the injury of the Indians, no payments will be made.

The default of the Idaho Canal Company, under its contract, is now being considered by the Department, and such steps will be taken as are necessary to fully protect the interests of the Indians and the Government in the matter.

The Commissioner gives a detailed history of the attempt begun in

1896 to give the Fort Hall Reserve a water supply, and suggests that some arrangement be effected whereby a sufficient quantity of water shall be delivered at the reservation boundary, the system within the reservation to be finished and operated by the Government.

On the Crow Reservation $66,000 of the funds of the Crow Indians have been expended during the year upon the irrigation system. The head gate of the great Big Horn ditch is practically completed, and a ditch on Pryor Creek has been constructed, which will water from 800 to 1,000 acres.

The construction of this irrigation system, which has been in progress during the past eight years, has resulted in great improvement and advancement among the Indians aside from providing one of the best systems in the country. The money, which belongs to the Crows, has been paid out, for the most part, to the Indians themselves, and this money they expend much more judiciously than that which they receive as annuity payments and which comes to them without labor or effort on their part.

The ditch heretofore constructed on the Wind River Reservation has proved to be practically worthless. Plans for a new irrigation system are in course of preparation, which will be capable of irrigating a sufficient quantity of land for the use of all the Indians on the reservation.

LOGGING ON INDIAN RESERVATIONS.—*Chippewa Reservations in Minnesota.*—On the 30th of March, 1899, the Department suspended all cutting or sale of timber on these reservations, and no logging has been done on any of them during the past year. A statement regarding the sales of timber will be found on page 51 of this report.

La Pointe Agency, Wis.—Logging operations on allotments on the Lac du Flambeau and Bad River reservations have progressed satisfactorily under contracts approved in 1892 and 1893.

On July 28, 1897, the President granted authority for the sale of timber from allotments on the Red Cliff Reservation, and two contracts for the sale of timber to Frederick L. Gilbert, the authorized contractor for the Red Cliff Reservation, were approved January 12, 1900.

Menominee Reservation, Wis.—Under Department authority of August 12, 1899, the Menominee Indians cut and banked 15,000,000 feet of pine timber, which was disposed of at public sale for $16.25 per thousand feet, $1.17 per thousand feet more than last year's rate. They also removed 1,200,000 feet of pine from a tract of land claimed by Hollister, Amos & Co., of Oshkosh, receiving $5.50 per thousand feet, or $9,687.70 for their labor, and the fee to the land after the removal of the timber.

INDIAN LANDS SET APART TO MISSIONARY SOCIETIES.—During the year 15 tracts of land, ranging from 2 to 160 acres, on twelve reserva-

tions have been set apart for use by such societies for their religious and educational work among the Indians.

SALE OF INDIAN LANDS.—*Peoria and Miami Indians.*—The total sales of lands by these Indians since the passage of the act of June 7, 1897 (30 Stats., 72), are 68 conveyances by the Peorias, amounting to 5,295.28 acres, valued at $50,393.90, or $9.51 per acre, and 31 conveyances by the Miamis, amounting to 2,437.80 acres, valued at $24,972.50, or $10.24 per acre, making in all 99 conveyances by both tribes, aggregating 7,733.08 acres of land, at a valuation of $75,366.40, or an average of $9.74 per acre. During the past year 18 conveyances of 1,088.10 acres in all, valued at $12,365.50, were made.

The Citizen Potawatomi and Absentee Shawnee Indians have sold, since the passage of the act of August 15, 1894 (28 Stats., 295), 600 tracts of land, aggregating 61,766.60 acres, for $339,836.43. During the past year 91 sales of 8,850.24 acres, valued at $45,034.32, were effected. In the last Indian appropriation act, pursuant to the recommendation of the Department, authority was granted for the sale of allotments held by Citizen Potawatomi and Absentee Shawnee Indians or their heirs, or those holding such allotments by approved deeds, or their heirs, the deeds to be approved by the Secretary of the Interior instead of, as formerly, by the President. It also permits the adult heirs of a deceased allottee to sell their inherited lands and allows the sale of land inherited by adults and minors, but not the land inherited by minors only.

LEASING OF INDIAN LANDS.—The Indian appropriation act for the fiscal year ending June 30, 1898 (30 Stats., 62), limits the term for which allotted lands may be leased for farming and grazing purposes to three years and for mining and business purposes to five years. The act approved May 31, 1900, however, increases to five years the term for which such lands may be leased for farming purposes only, except unimproved allotted lands on the Yakima Reservation, in the State of Washington, which may be leased for agricultural purposes for any term not exceeding ten years upon such terms and conditions as may be prescribed by the Secretary of the Interior.

Allotted lands have been leased during the year as follows:

Agency.	Number of leases.	Kind of lease.	Years.	Rate per acre per annum.
Cheyenne and Arapaho	444	Farming and grazing.	3	12½ to 81 cents.
Colville	7	.....do	1 to 3	43 cents to $3.12.
Crow Creek	14	Grazing		10 cents; still pending.
Green Bay	13	Farming and grazing.	3	50 cents to $2.
Nez Percé	103	Farming	1 to 3	37½ cents to $4.44.
Do	7	Business, grazing	1 to 5	$6 to $42.
Omaha	290	Farming and grazing.	1 to 3	25 cents to $2.50.
Winnebago	307	.....do	1 to 3	Do.
Do	1	School	5	$5 for 2 acres.

Agency.	Number of leases.	Kind of lease.	Years.	Rate per acre per annum.
Oneida	1	Farming	1	$120 for 40 acres.
Ponca	96	Farming and grazing.	1 to 3	20 cents to $2.50.
Do	3	Business	5	$10 to $15.
Pawnee	51	Farming and grazing.	1 to 3	20 cents to $2.50.
Tonkawa	16	.....do	1 to 3	Do.
Oto	68	.....do	1 to 3	Do.
Do	3	Business		$10 to $15.
Potawatomi and Great Nemaha	31	Farming and grazing.	3	50 cents to $3.
Puyallup	10	.....do	2	40 cents to $10.50.
Round Valley	13	.....do	1 to 3	$1 to $2.
Sauk and Fox Agency:				
Sauk and Fox	44	.....do	1 to 3	15 cents to $3.25.
Iowa	22	.....do	1 to 3	Do.
Potawatomi	23	.....do	1 to 3	Do.
Absentee Shawnee	44	.....do	1 to 3	Do.
Kickapoo	8	.....do	1 to 3	Do.
Siletz	3	.....do	3	30 cents to $1.50.
Sisseton	189	.....do	3	14 to 87½ cents.
Southern Ute	1	.....do	3	$50 for 120 acres.
Umatilla	19	.....do	2 to 3	$1.25 to $3.50.
Do	2	Business	5	$25 for 5 acres.
Yakima	45	Farming and grazing.	5	50 cents to $6.50.
Yankton	28	.....do	1 to 3	10 cents.

July 16 last the Department suggested that future leases of Indian allotments should provide for specific improvements which would be more for the benefit of the allottee than an all-money rental, and agents were instructed accordingly by the Commissioner. Since then leases for a money consideration only have been approved for only two years and grazing leases for only one year, regardless of the term for which they were drawn.

Unallotted lands have been leased as follows:

Agency.	Number of leases.	Kind of lease.
Kiowa, Comanche, and Apache	10	Grazing.
Do	1	Mining.
Wichita Reservation	21	Grazing.
Omaha Reservation	10	Farming and grazing.
Winnebago	68	Do.
Osage	40	Do.
Crow	1	Grazing.
Shoshoni	2	Do.
Uinta and White River Ute	3	Do.
Ponca	8	Farming and grazing.
San Carlos	4	Grazing.

TELEPHONE LINES ACROSS RESERVATIONS.—The act of June 6, 1900 (31 Stats., 658), authorizes the Seneca Telephone Company to construct and maintain telephone lines from Seneca, Mo., to the Quapaw Agency,

and to Wyandotte, Grand River, Fairland, Oseuma, Afton, and Vinita, in the Indian Territory, subject to the rules and regulations prescribed by the Department, that cities and towns into or through which such telephone lines may be constructed shall have the power to regulate the manner of construction therein, and the company shall be subject to such municipal and Territorial taxation as may be provided for by law.

RAILROADS ACROSS RESERVATIONS.—The act of March 2, 1899 (30 Stat. L., 900), is a general enabling act by which any company may acquire right of way through Indian lands for railroad, telegraph, or telephone lines by complying with Department regulations.

Under this general enabling act rights of way across Indian lands have been granted to railroad companies as follows:

Arkansas and Oklahoma, Cherokee Nation.
Arkansas and Western, Cherokee Nation.
Chicago, Burlington and Quincy, Crow Reservation.
Columbia Valley, Wallula to Vancouver, Wash.
Columbia and Klickitat, Lyle to Goldendale, Wash.
Kiowa, Chickasaw and Fort Smith, Chickasaw Nation.
Kansas Southwestern, Kansas and Osage Reservation.
Kansas Southeastern, Dawson to Wagoner, Ind. T.
North Arkansas and Western, Indian Territory.
Oklahoma, Okmulgee and Southern, Osage Reserve, Creek and Choctaw nations.
Oklahoma City and Western, Kiowa and Comanche Reserve and Chickasaw Nation.
Shawnee, Oklahoma and Missouri, Seminole, Creek, and Cherokee nations.
Seattle, Tacoma, Puyallup Reservation.
Wichita and Southern, Osage Reserve, Creek and Choctaw nations.
Gulf, Chickasaw and Kansas, Peru, Kans., and Grayson, Tex.
Eastern Railway Company of Minnesota, Fond du Lac Reserve.

By special act of April 17, 1900 (31 Stats., 134), the Minnesota and Manitoba Railroad were given right of way across the Red Lake Reservation.

THE SEMINOLE IN FLORIDA.—These Indians, numbering about 600, are the descendants of those Seminole who refused to go with the tribe to the Indian Territory, but remained in Florida. They have no reservation, and since 1894, from appropriations made by Congress, lands from time to time have been purchased or assigned to them as permanent homes. During the past year lands have been purchased in Florida for these Indians aggregating 23,061.72 acres, at a total cost of $13,355.52.

RATIFICATION OF FORT HALL AGREEMENT.—This agreement concluded with a commission February 5, 1898; was ratified by Congress at its last session. The Indians ceded 400,000 acres for $600,000—$75,000 to be used for a new school plant and the balance to be paid in ten annual installments, first one to be $100,000, the next eight $50,000 each, and the last $25,000, Indians residing on the ceded lands having the option of taking allotments or lands they have lived upon

or improved, or upon the reservation. The improvements abandoned by those who remove to the reservation are to be appraised and sold for not less than the appraised value. The payment of the first installment of $100,000 is now being made, and the work of allotting and appraising is in progress.

EXHIBITION OF INDIANS.—During the past year requests for permission to take Indians from the reservations for show and exhibition purposes have been uniformly denied. In only two instances was permission granted to the Indians to leave their reservations to take part in local celebrations. In one case 30 Indians from the Shoshone Agency were permitted to attend the annual "Frontier day celebration" at Cheyenne, Wyo., and the other instance 25 families with tepees were authorized to leave the Standing Rock Reservation, N. Dak., to participate in the "Harvest festival" at Casselton, N. Dak. In both instances satisfactory arrangements were made by the authorities having charge of the celebrations for the care, protection, and expenses of the Indians.

NEEDED PUBLICATIONS ON INDIAN MATTERS.—In my last annual report I called attention to the necessity for a new compilation of laws relating to Indian affairs, of Executive orders concerning Indian reservations, and of treaties and agreements made with the Indians.

The last edition of laws relating to Indian affairs was issued in 1884, that of Executive orders relating to Indian reservations, 1890. The editions of both works are exhausted. An incorrect revision of Indian treaties then in force was made in 1873. Since these were issued legislation of vital importance has been enacted and many changes have been made in Indian reservations and new agreements have been concluded. I renew my recommendations heretofore made that Congress make adequate appropriations to cover the expenses of compiling and printing these publications.

CLERKS DESIGNATED AS SPECIAL DISBURSING AGENTS.—Pursuant to the provisions of the act of July 26, 1892 (27 Stat., 272), one of the employees of the office was designated by the Commissioner as the receiving clerk, and required to give bond in the sum of $1,000; subsequently another clerk in the office was designated as a special disbursing officer, and required to give bond in the sum of $2,000. No salary, pay, or other emolument is allowed for the performance of the additional duties thus imposed upon them.

As the Department in every instance prefers corporate rather than individual sureties on official bonds, the Commissioner recommends that Congress authorize the payment from year to year, out of the contingent fund of the Department, the annual cost of a surety-company bond required of employees of the Department in cases where no additional compensation is allowed or paid for such services.

THE INDIAN TERRITORY UNDER THE CURTIS ACT.

The first important legislation passed by Congress affecting the status of the Choctaw and Chickasaw, Seminole, Creek, and Cherokee, comprising the Indian nations in the Indian Territory, is contained in the act of Congress approved June 28, 1898 (30 Stats., 495), commonly known as the Curtis Act. This act provided for radical and important changes in the administration of the affairs of these Five Tribes, who theretofore, through their respective legislatures or councils, enacted their own laws, and provided for the enforcement thereof through tribal officers.

An agreement with the Choctaw and Chickasaw nations is embodied in section 29 of said act, and provides that their lands should be appraised and allotted by the United States Government equally among all, with certain reservations for town sites, schools, etc. Coal and asphalt are also reserved from allotment to remain the common property of the tribes, the right to operate same to be controlled by leases made under rules and regulations of the Secretary of the Interior, and revenues derived from royalty thereon to be used for the education of children of Indian blood of such nations.

With certain modifications, the tribal governments of these nations are continued for a period of eight years from March 4, 1898.

The Creeks and Cherokees have not yet ratified agreements pending before Congress, and at present remain under the general provisions of the Curtis Act, which provides for the abolishment of the tribal courts, the allotment of the surface of the land by the Government to individual members of said tribes, and for the leasing by the Secretary of the Interior of the mineral lands of such nations.

The Seminole Nation had, prior to the passage of the act of June 28, 1898, effected an agreement with the United States, now ratified by both parties, and this nation is now governed under such existing law, and as such agreement continues the executive form of government of the nation, tribal control of their schools, etc., practically no matters have arisen demanding the attention of the Department, and conditions in said nation appear to have progressed satisfactorily.

Among other things the act of June 28, 1898, provided for the location of an Indian inspector in the Indian Territory; accordingly, on August 17, 1898, an inspector was directed to proceed to the Indian Territory and give his attention to any duties required of the Secretary of the Interior by law, relating to affairs throughout the Indian Territory, except questions of citizenship and allotment under control of the Commission to the Five Civilized Tribes.

INSPECTOR OF THE INDIAN TERRITORY.—The report of the United States Indian inspector for the Indian Territory, J. George Wright,

is of considerable importance and gives a detailed history of the work of the Department in its dealings with the Indians.

The work of the United States Indian agent, Union Agency: superintendent of schools in the Indian Territory, and supervisors for each nation, revenue inspectors for Creek and Cherokee nations and their assistants, mining trustees of the Choctaw and Chickasaw nations, the town-site commissions and the direction of all town-site work in the Indian Territory, are under his immediate supervision.

In the Choctaw and Chickasaw nations, under the agreement heretofore mentioned, all coal and asphalt are reserved from allotment, and leases for same are made and royalties collected under regulations promulgated by the Secretary of the Interior.

The mining trustees appointed by the President of the United States, under said agreement, are N. B. Ainsworth, a Choctaw by blood, and Charles D. Carter, a Chickasaw by blood; they maintain a general office at McAlester, Ind. T., supervising, under rules and regulations of the Department, mines and their operation.

The area of coal lands under lease June 30, 1900, approved by the Department, amounts to 51,187.85 acres, as against 36,480 acres for the previous fiscal year, the number of leases in force being 54, as against 38 the year ending 1899.

The number of leases applied for during the year ending 1900 was 81, representing 77,093.80 acres, of which 43 applications, representing 41,265.95 acres, were rejected; 16 applications, representing 14,707.85 acres, were allowed to the extent of 14,707.85 acres, and 22 leases, representing 21,120 acres, are under consideration by the Department.

There are also a number of other parties operating under previous tribal contracts which have not yet expired.

The coal output during the year under national contracts and departmental leases has been 1,900,127 tons, as against 1,404,442 tons for the previous year. The royalty on this coal as fixed by the Secretary of the Interior, commencing January 1, 1899, was 10 cents per ton on screened coal. This, however, was changed on petition of operators on March 1, 1900, and fixed at 8 cents per ton for the run of the mine.

The policy of the Department with respect to the granting of leases for coal-mining operations in the Territory has been, and will continue to be, to grant leases only to such persons or corporations as will furnish satisfactory evidence that the application for leases is made in good faith for operative as against speculative purposes, with satisfactory evidence that a market has been or will be actually provided to the extent of a fair estimate for the coal covered by the leases, the purpose of the Department being to, in this way, secure to the rightful owners of the coal the full amount of revenue which the operator should, under the law and in justice to the owner, pay for the privilege thus granted.

Under the law each lease covers 960 acres of land, and runs for thirty years; the coal mined to be subject to such royalties, rules, and regulations as may be determined by the Department, the income derived from such leases being, by law, applied to the school fund in the Territory.

The average thickness of a coal vein in the Territory is equal to 4 feet, or about 4,000 tons per acre, which means practically from 3,500,000 to 4,000,000 tons for each 960-acre lease; hence the necessity of granting leases to such extent only and upon such terms as will avoid tying up this valuable property and by so doing render it unproductive for the long period unavoidably called for in each lease, and for the further purpose of preventing the use of such leases as a collateral asset for raising funds with which to build railroads through the Territory, it having been practically demonstrated, in the case of many applications, that the coal represented by the leases applied for could not possibly be mined and marketed within a period covering several times the legal duration of the lease.

Applications for coal and asphalt leases are made to the inspector, and, accompanied by the recommendations in the matter by the mining trustees, are forwarded to the Department for consideration and action. During the year three asphalt leases have been approved and one or two other companies have been operating in the Territory under tribal charters. Royalty on asphalt has been fixed by the Department at 10 cents per ton on crude and 60 cents per ton on refined.

Royalties on all minerals in the Choctaw and Chickasaw nations collected by the United States Indian agent during the year amounted to $139,589.50, as against $110,145.25 for the previous year—$137,377.82 being for coal, $1,108.58 for asphalt, and $1,103.10 for other minerals.

Originally the Department held that applications for coal, asphalt, and other minerals could be entertained under this agreement, but on the 11th of May, 1900, the Assistant Attorney-General, to whom the question was submitted, held that the agreement in question did not provide for the making of leases for any minerals other than asphalt, and since that time such applications have not been considered.

Education.—Sections 19 and 29 of the Curtis Act are construed as conferring authority upon the Department to assume such charge of educational affairs in the Five Civilized Tribes (except the Seminole, whose tribal government continues) as will insure better and more economical management.

Under the agreement with the Choctaws and Chickasaws, revenues from coal and asphalt are to be applied to the support of their schools and are to be paid into the United States Treasury and drawn therefrom under rules prescribed by the Secretary of the Interior. The Choctaws promptly turned the control of their schools over to the Gov-

ernment, but the Chickasaws resented governmental assistance. The Creeks and Cherokees continued to appropriate for their schools, but cordially accepted Government supervision. The five tribes have in the past made large expenditures on their schools, but except in those carried on by missionary societies the management was corrupt or inefficient. There were expensive academies and colleges, while the district schools had the poorest of quarters and equipments.

In spite of the limited powers of the superintendent of education for the Indian Territory, he has been able to institute many reforms and make considerable improvements, especially among the Choctaws. Summer normal schools have helped to raise the standard among the teachers. Industrial training has been introduced, examinations of teachers have been held, etc.

The Chickasaws, continuing to support their schools out of their common fund in the old way, have boarding schools run by contract, unsanitary, unfurnished buildings for the day schools, teachers appointed with slight regard to merit, and an indebtedness for it all which exceeds their revenues. The nation is now endeavoring to secure the revenues received from coal and asphalt leases. The Cherokees and Creeks have much better school systems and many fine school buildings. Under Government supervision they have been raising the standard of examining teachers, getting competent school boards, and correcting abuses and methods generally. The school statistics are as follows:

Kind of schools.	Number of schools.	Enrollment.	Average attendance.
Choctaw:			
Academies	6	549	471
Neighborhood schools	120	2,170	1,812
Chickasaw:			
Orphan Home, 3 institutes, and seminary	5	348	306
Neighborhood schools	17	489	386
Cherokee:			
Orphan Home, 2 seminaries, and high school	4	438	332
Neighborhood schools	124	3,290	2,195
Creek:			
Boarding schools	10	640	506
Neighborhood schools	55	1,745	1,042

The school population of the Territory is estimated to be: Indians, 16,090; negroes, 4,650; whites, 54,600.

The cost of the maintenance during the year of the schools in the Choctaw Nation aggregated $92,881.91; in the Chickasaw Nation, $92,595; in the Cherokee Nation, $76,135, and in the Creek Nation, $65,657.07.

A comparison of the cost of maintaining the boarding schools in 1899 and 1900 shows an increase of per capita expense among the

Chickasaws and a decrease among the others, the greatest reduction being among the Choctaws, from $180 to $139.92. At the same time there was a marked increase in the efficiency of the schools.

There are over 50,000 white children in the Territory who have no educational opportunities, and the children of 8,750 freedmen among the Choctaws and Chickasaws have the most meager school facilities. Congress should make adequate appropriations for the education of these children.

The tribal taxes assessed by the Choctaw and Chickasaw nations against noncitizens and upon citizens employing noncitizens, etc., are collected by the tribal authorities, and therefore no statement as to the aggregate amount has been obtained. The question as to the enforcement of these taxes against noncitizens residing within the limits of the Choctaw and Chickasaw nations, having arisen in the administration of affairs, the Department held that the taxes must be paid; that it was the duty of its officers to remove from said nations, under the authority given by the United States statutes, all noncitizens failing to comply with such tribal laws.

A town-site commission in each nation has been appointed under the provisions of the agreement, and they have been engaged in platting, appraising, and selling town sites. The commission for the Choctaw Nation consists of Dr. J. A. Sterrett, of Ohio, and Mr. B. S. Smiser, a Choctaw by blood. The commission for the Chickasaw Nation consists of Mr. Samuel N. Johnson, of Kansas, and Mr. Wesley B. Burney, a Chickasaw by blood. The Choctaw Commission has completed its work at the town of Sterrett, which has a population of about 800 and an area of 480 acres, and also at Atoka, which has a population of 1,200 and an area of 273 acres, and since completing that town, on November 6, 1899, has been engaged in surveying, platting, and appraising the town of South McAlester, the largest town in the Choctaw Nation, which work is not yet completed. In addition to this work, the commission established, prior to the passage of the act of Congress approved May 31, 1900, the exterior limits of eight towns, a portion of which have taken advantage of the ruling allowing them to survey and plat at their own expense.

The Chickasaw Commission has completed its work at Colbert, with a population of 200 and an area of 129.74 acres, and since that time, September 1, 1899, has been engaged in surveying, platting, and appraising the town of Ardmore, the largest town in the Chickasaw Nation, which work is not yet completed.

The Indian appropriation act approved May 31, 1900, provides that the surveying and platting of towns shall be done under the direction of the Secretary of the Interior, and the work of the commission shall commence only after plats are approved. In June, 1900, a supervising engineer was appointed, to act under the direction of the Indian

inspector, and to supervise the detail work of the surveying corps to be placed in the field to carry out the provisions of this act, and at the close of the fiscal year instructions were being prepared and steps taken to push the surveying and platting of towns under the recent legislation.

The Indian appropriation act also provided for the disbursement of the "incompetent fund" of the Chickasaw Nation, to be paid out under regulations of the Department, claims therefor to be filed within six months after the passage of the act; these claims are now being presented to the United States Indian agent, in accordance with the directions of the Department.

The agreement with the Choctaws and Chickasaws also provides that the United States shall survey and definitely mark the location of the ninety-eighth meridian, being the western boundary of the Chickasaw Nation; after its location due notice of such resurvey was given by the inspector, under date of June 6, 1900.

Under the general provisions of the act of Congress approved June 28, 1898, which applied to the Creek and Cherokee nations, no mineral leases have been made by the Secretary of the Interior in said nations, for the reason that the agreements now pending provide for the allotment of all lands without making any reservations of minerals, and the executive authorities of both tribes protest against the making of any mineral leases for the present. Temporary permits have been granted Indian citizens to mine coal in small quantities for local consumption only.

The tribal taxes assessed by the Creek and Cherokee nations have, under regulations of the Department, been collected by the United States Indian agent at the Union Agency. During the fiscal year 1899 but few remittances were received, and in order to ascertain what payments were due and to insure their collection, the Department, in July, 1899, appointed revenue inspectors for each of the Creek and Cherokee nations, with assistants.

In the Creek Nation during the fiscal year 1899, prior to the appointment of the revenue inspectors, there was remitted to the United States Indian agent $4,913.63, while during the fiscal year 1900 there was collected from all sources $26,370.19, and the expenses of the revenue inspectors in that nation during said time were $4,884.52.

In the Cherokee Nation, during the fiscal year 1899, there was remitted $3,150.87, while during the fiscal year 1900 there was collected from all sources $19,455.05, and the expenses of the revenue inspectors in that nation during said time were $5,833.01.

Every effort has been made on the part of the noncitizens in the Creek Nation, and the citizens in the Cherokee Nation, to avoid payment of these tribal taxes. In the Creek Nation the noncitizen lawyers sought to enjoin the representatives of the Department from col-

lecting the taxes, but the action of the Government was sustained, both in the lower court and in the court of appeals for the Indian Territory.

In the Cherokee Nation, when the store of a citizen was closed for nonpayment of taxes, an injunction was secured in the United States court against the officials of the Interior Department. Every means has also been resorted to in this nation to avoid the payment of the tribal hay royalty of 20 cents per ton on all hay shipped out of the nation, and it has been necessary to remove from said nation, under section 2149 of the Revised Statutes, certain noncitizens who have refused to comply with this law. The validity of this tax, and the right of the Interior Department to seize hay for nonpayment of royalty, has been sustained by the courts.

No towns have been surveyed and platted in the Cherokee Nation under the provisions of the Curtis Act. In the Creek Nation there have been two town-site commissions appointed, one for the town of Muscogee and one for Wagoner, and the plat of the town of Wagoner has been completed and is now under consideration with a view to its approval. The plat and appraisement of Muscogee have been approved by the Department. The approved value of lots in this town aggregates $236,136, and the expense of the commission to August 1, 1900, was $15,022.57. Improved lots under said act are scheduled to the owners of the improvements, to be purchased at one-half of their appraised value, while vacant or unimproved lots are to be sold at public auction at not less than their appraised value. Notices of appraisement were issued by the commission, but application for an injunction was made to the United States court, alleging the unconstitutionality of the Curtis Act, and claiming the nation had not yet given its consent to the sale of any lots or lands of the tribe. This restraining order was granted on the 25th of August, the court holding the act to be unconstitutional, and the commission was thereafter furloughed indefinitely without pay.

The report of the inspector gives the personnel of the tribal governments of the different nations, including their law-making bodies, called "national councils" in the Creek, Cherokee, and Choctaw nations, and the "national legislature" in the Chickasaw Nation.

The total expenses of the Creek tribal government during the year, in addition to that for schools, was $62,287.92, and the total expenses of the Cherokee tribal government during the same period, in addition to that for schools, was $30,548.26. Few acts were passed at the sessions of the council of either nation excepting those making appropriations.

The act of Congress approved June 7, 1897, requires the submission of all acts of the Creek and Cherokee councils to the President of the United States for Executive approval, except resolutions for

adjournment, or any acts, or resolutions, or ordinances in relation to negotiations with commissioners heretofore appointed to treat with said tribes.

In the Choctaw and Chickasaw nations the agreement provides that all their acts, except the appropriations for regular and necessary expenses of their governments, be submitted in like manner, which has been done. About thirty Choctaw acts, covering different subjects, were transmitted through the inspector's office, while about twenty were submitted by the Chickasaw legislature. The appropriation made for the expense of the Choctaw council was $10,000, with about $7,590 for general officers and $19,500 for tribal courts. The expenses of the Chickasaw tribal government are not known. From the best sources of information attainable, however, it appears that the nation's finances are much embarrassed.

Provision is made in section 3 of said act in relation to Indians securing possession of lands which have been improved by noncitizens, requiring procedure on the part of the Indian in the United States court in order to take possession of the same. This provision should be modified by Congress so as to authorize the Secretary of the Interior to investigate alleged contracts of the noncitizens with Indians and, where facts will warrant, to remove noncitizens, allowing the latter to appeal to the courts, thereby placing upon them the burden of litigation, instead of upon the Indian.

Rental contracts under existing law can be made indiscriminately between Indians and white persons, often to the great disadvantage of the former. The law should be amended so as to authorize the Secretary of the Interior to approve such contracts where found desirable so long as it is necessary for the protection of the Indians, it being estimated that there are 350,000 white persons not members of any tribe in the Territory.

In the Creek, Cherokee, Choctaw, and Chickasaw nations different rates of tribal taxation prevail. Good administration demands a uniformity of tax rates throughout the Territory. In the Chickasaw and Choctaw nations collections are made by tribal authorities, while in the Creek and the Cherokee nations they are made by officers of this Department. As none of the funds so collected are expended for the benefit of the white people in the Territory, much opposition is encountered to the enforcement of both systems. In lieu of the present system and rate of taxation Congress should authorize the fixing of a uniform rate of tax on noncitizens and others engaged in business, introducing cattle, etc., to be collected under the supervision of the Department and used for the benefit of the nations, including the improvement of roads and the education of children of noncitizens, including such amounts as may be found advisable for the expenses of the tribal government; furthermore, that authority be given to attach property for

nonpayment of taxes instead of removing persons in default from the Territory, the only means now of enforcing the collection of taxes.

There are over 50,000 white children in the Indian Territory who have no educational opportunities, and also the children of 8,000 freedmen among the Choctaws and Chickasaws who have the most meager school facilities. Adequate appropriation should be made by Congress for the education of these children.

Under the head of "finance," the inspector reports that the agent has received, deposited, and disbursed during the fiscal year the sum of $825,020.76. He has disbursed for the Choctaw Nation the sum of $59,362.15 from coal and asphalt royalties in connection with its schools; also the sum of $69,710.08 from the appropriation of $75,000 made by Congress for the payment of the outstanding indebtedness of the Choctaw Nation. There has also been paid the sum of $246,673.83 in the payment of outstanding Creek warrants, and $152,198.50 in interest on and retiring Cherokee warrants, and for the suppression of smallpox in the Creek Nation in the spring of 1899 the sum of $3,964.10.

The collections from all sources in the Choctaw and Chickasaw nations amounted to $150,728.98; in the Creek Nation $26,370.19, and in the Cherokee Nation $19,455.05.

The Cherokee outstanding indebtedness is over $800,000, and draws interest at the rate of 6 per cent, while their invested fund with the United States Government draws only 5 per cent, in view of which fact the inspector suggests that Congress should permit a sufficient amount of the Cherokee funds to be withdrawn from the United States Treasury to pay their outstanding indebtedness.

Existing law authorizing the allotment of lands to the Indians makes no provision for the setting aside of lands for public roads in the Indian Territory, and some legislation should be enacted providing for such roads. The inspector suggests that 30 feet along each side of section lines be reserved throughout the Territory.

The Indian appropriation act authorizes the Secretary of the Interior to set aside 160 acres of land along the lines of new railroads for town sites. Prior to action by the Department looking to the setting aside of such town sites, Indian citizens and other interested parties had without authority surveyed and platted town sites at different points in the Indian Territory and disposed of town lots. Injunction was sought to restrain such citizens from laying out, platting, and attempting to sell town lots, but the court held that Indian citizens could rent their lands in lots or for any other purpose. The inspector therefore suggests the advisability of additional legislation providing that until allotment citizens may rent their proportionate shares of "agricultural and grazing lands" for such purposes only, as the "renting" of lots have been practically sales, ranging from $10 to $500 per lot, according to location.

A serious epidemic of smallpox raged during the entire winter throughout the Indian Territory, and in order to defray the expense of suppressing same among noncitizens, provision was made in the Indian appropriation act for $50,000, which appropriation was entirely exhausted before the disease was suppressed. The disease was not as fatal during the last epidemic as it was in the Creek Nation during the previous fiscal year, but there was a much larger number of cases treated, numbering altogether over 2,000. Incorporated towns assumed the expense of fighting the epidemic within their own town limits.

Recommendation is also made that Congress be asked to apply the "estray laws" of Arkansas, as set forth in Mansfield's Digest, to the Indian Territory.

The act of Congress approved June 6, 1900, provided that the procurement of timber and stone for domestic and industrial purposes in the Indian Territory should be governed by regulations to be issued by the Secretary of the Interior, and provided a penalty for violation of such regulations, which have been issued and are now in force.

COMMISSION TO THE FIVE CIVILIZED TRIBES.—The Commission to the Five Civilized Tribes was created by act of Congress March 3, 1893, to enter into negotiations with the several nations of Indians in Indian Territory for the allotment of their lands in severalty or to procure the cession to the United States of the lands belonging to the Five Tribes. The necessity for this step grew out of the inharmonious and chaotic political and social conditions in Indian Territory, where about 75,000 citizens were amenable to no laws save those made and executed by the Indian governments, and within which nearly 300,000 United States citizens had also made their homes. Crime and lawlessness had increased to an alarming extent. Children of white parentage and the colored children in several of the nations were without educational advantages. Towns had sprung up on communal lands without individual ownership of town lots. Mineral deposits were being developed; stock growers, citizens, and noncitizens had acquired possession and fenced large tracts of land to the detriment of the poorer classes. Well-founded rumors of corruption in various branches of the tribal government had reached Congress. These and other conditions made it necessary to apply a remedy which should result eventually in the creation of a State of the Union out of the lands of the Five Tribes.

The report of the commission shows that the plan adopted by it for the reorganization of the relations existing between the tribes and the United States was to provide by negotiation for allotment of the lands in severalty among the members of the tribes. Agreements to this end with the Choctaws, the Chickasaws, and the Seminoles have been made and ratified by Congress. Several agreements have been negotiated with the Creeks and Cherokees, the last having been concluded at Washington in April, 1900, and are now pending Congressional

action, and indications point to a speedy ratification by the tribes of these agreements as soon as Congress shall have given its approval thereto.

The commission reports materially improved conditions under which its work has been prosecuted during the past year, and that with the exception of a small fraction of the full-bloods all the citizens of the tribes are now in sympathy with the movement to bring about a change in conditions.

The character of the final allotment necessitates an amount of preliminary work unknown in any other allotment. No specific number of acres are to be allotted in any instances, but, after deducting reservations for town sites, etc., the lands are to be divided among the members of the tribes by equality of value. The allotment is to be made to such persons only as shall, by a prescribed method, be determined by the commission to be entitled to citizenship. The tribal records are not conclusive of such citizenship, and the commission must, by special adjudication, establish the status of each claimant. There are believed to be, in the aggregate, about seventy thousand citizens entitled to allotment, but many times that number claim such right.

The work is further complicated by the fact that the lands of each tribe are held by a title differing in some cases essentially from the titles in others. This is true also as to the terms and measure of allotment to citizens in each, caused by qualifications of the title.

The enrollment of Seminole citizens—Indians and Freedmen—in conformity with agreement concluded with that nation on December 16, 1897, has practically been completed, there remaining only to be added the names of children born to citizens subsequent to the preparation of that roll. The classification of the lands of that tribe have been completed, and allotments may now be made in accordance with the agreement with that tribe.

After the completion of its work in the Choctaw and Chickasaw nations as outlined in its report for the year ended June 30, 1899, the commission found by comparison of its records with the tribal rolls that there still remained unaccounted for in both the Choctaw and Chickasaw nations a large number of citizens who were justly entitled to enrollment. Believing that these delinquents were, in the majority of instances, full-bloods, who, through ignorance had neglected to appear for enrollment, the Commission renewed its efforts to effect their enrollment. Up to and including June 30, 1900, all but 167 out of 16,176 citizens of the Choctaw Nation, whose names appeared on the tribal roll of 1896, had been accounted for. Out of 5,175 citizens by blood and intermarriage of the Chickasaw Nation, whose names appear on the tribal roll of 1896, all have been accounted for save 88. The roll of Choctaw Freedmen made in 1896 contains 3,743 names, and all but one of these have been accounted for. The com-

mission states that during the past year it has been overwhelmed with applications for enrollment made by those whose sole claim thereto is based upon possession of Indian blood, and that much of its time, therefore, which seemingly should have been devoted in other directions, has been consumed in hearing applicants who had not the shadow of a right to enrollment.

Under the act of June 10, 1896, which empowered the commission, the various tribal courts, and the United States courts in Indian Territory on appeal to hear and determine applications for citizenship, there were admitted in the Choctaw Nation by the United States courts 2,175 persons, and in the Chickasaw Nation 784. In the proceedings incident to the enrollment of such persons it transpired that many whose names were included in the judgments of the courts were not named in the original applications for citizenship. The attention of the United States courts was called to this fact, and orders were made correcting same by striking from the judgments such names as had been interpolated in the appeals. Two hundred and one names have thus been eliminated from the citizenship of the Choctaw and Chickasaw nations, leaving 2,758 who were admitted in these two tribes by the United States courts in Indian Territory. The tribes have now raised the question of the right of this class of persons to enrollment, contending that as the Choctaw Nation was not made a party to the suits instituted for Chickasaw citizenship, and the Chickasaw Nation was not made a party to those instituted for Choctaw citizenship, the judgments granting citizenship are void, on the theory that the property owned in common can not be affected by proceedings instituted against one tribe only.

The act of June 28, 1898, contained a provision authorizing the commission to determine the identity of Choctaw Indians claiming rights under article 14 of the treaty of 1830. One thousand nine hundred and twenty-three such persons have heretofore been reported in Mississippi, and during the past year 1,665 persons have made application in Indian Territory as Mississippi Choctaws, none of whom have been found entitled as such. The commission expresses the opinion that sufficient time and opportunity have been granted to all persons entitled to benefits under article 14 of the treaty of 1830 to be heard, and recommends that legislation be enacted terminating the authority of the commission to hear such applications, thus enabling the enrollment as Choctaw citizens of those who have been identified before the final roll is submitted to this Department for approval.

There have been listed for enrollment 18,366 Choctaws, 6,425 Chickasaws, 4,168 Choctaw Freedmen, and 5,620 Chickasaw Freedmen. The importance of fixing a date for closing the citizenship rolls in these two tribes is again urged by the commission. Two agreements have been entered into by it with the authorities of these tribes to that end

within the past year, neither of which has become operative. As a consequence, applications are received daily for the enrollment of children in both these tribes, as well as those who have established their right to enrollment by intermarriage.

The enrollment of the Creeks is reported to be satisfactorily and gradually nearing completion. The full-bloods of that tribe have been slow to respond to the invitations to be enrolled, and as the tribal rolls of that nation are very imperfect and incomplete it has not been possible to make the same progress here as in the Choctaw and Chickasaw nations. Much fraud in the matter of enrollment by the tribal authorities has been found in this nation, and great care and thoroughness has been required and exercised in every step taken by the commission in the enrollment of Creek citizens. The total number of Creek Indians enrolled by the commission up to and including June 30, 1900, is reported to be 6,060. It is estimated that 2,500 or 3,000 Indians by blood yet remain to be enrolled in this tribe. The act of June 28, 1898, with reference to making rolls in the Creek Nation, provided that the roll of Freedmen made by J. W. Dunn in 1867 should be taken as a basis, enrolling all whose names were found thereon with their descendants born since such roll was made. One thousand seven hundred and eighty-one names appear on the Dunn roll, of which 811 have been identified and listed, 756 are reported dead and 214 are yet unaccounted for, and it is believed that this class of claimants, however, are practically all enrolled, the missing ones being either dead or nonresidents.

Up to and including June 30, 1900, 10,000 preliminary selections of allotments had been filed with the commission by Creek citizens, amounting, approximately, to two-thirds of the citizenship of that tribe.

In the preliminary work of allotments in the Creek Nation great difficulty has been encountered, due to conflicting claims, necessitating the subdivision of sections into 40-acre tracts. To intelligently adjust conflicts of this character it has been necessary to have farms platted showing location of improvements. Two survey parties have been engaged during the past year upon this work. Up to the close of the fiscal year ended June 30, 1900, 227 allotment contests have been instituted by Creek citizens; 160 of these have been finally disposed of, leaving 67 still pending or on appeal.

The rules of this Department promulgated October 27, 1898, provided among other things that contracts for grazing and agricultural purposes covering selections made by citizens should be deposited with the Commission to the Five Civilized Tribes for investigation. During the fall of 1899 and the spring of the present year stock growers and farmers deposited with the commission contracts made

by them for the calendar year 1900, aggregating 1,059, and covering 205,504 acres of land in the Creek Nation.

Several appraising parties have been engaged in the Choctaw and Chickasaw nations during the past year, classifying the lands of those tribes in accordance with the agreement of April 23, 1897. This work was commenced July 1, 1899, and the progress made during the hot season was slow and unsatisfactory, owing to the great amount of sickness among the appraisers. As cooler weather approached, however, better conditions prevailed and a most satisfactory showing has been made for the fiscal year. The total number of acres appraised in those tribes is 4,319,344.97, an average of 72,000 acres per month.

The appraisal of Creek and Cherokee lands has not yet been commenced.

The report which is hereto appended (Exhibit B) sets forth very fully and clearly the progress made during the year, and with the exhibits and appendixes accompanying same affords a very satisfactory and interesting record of one of the most important branches of work under the supervision of this Department.

NAVAJO INDIAN RESERVATION IN ARIZONA AND NEW MEXICO.—By Executive order of January 6, 1880, certain lands lying within the boundaries of the Territories of New Mexico and Arizona were set apart as an addition to the Navajo Reservation.

By Executive order of May 17, 1884, certain other lands lying north of 36° 30′ north latitude, between 110° and 111° 30′ west longitude, were added to the Navajo Indian Reservation, and it was thereby provided "that any tract or tracts within the region of country described as aforesaid which are settled upon or occupied, or to which valid rights have attached under existing laws of the United States prior to the date of this order, are hereby excluded from this reservation."

And by Executive order of January 8, 1900, the Navajo Indian Reservation was further extended from its then most westerly boundary westward to the Little Colorado River, so as to make that river, the Grand Canyon, Forest Reserve, and the Colorado River proper the western boundary of the reservation.

By enrolled bill H. R. No. 4001, entitled "An act authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona," it was provided, among other things, "that all that portion of the Navajo Indian Reservation in Arizona lying north of 36° 30′ north latitude and west of the one hundred and eleventh meridian, be, and the same is hereby, opened for mining purposes only and subjected to the mining laws of the United States."

This bill, which was amended by the Senate to the extent of the above proviso, was reported upon by me adversely to the President for the reason that about 960,000 acres of land would be taken from

lecting the taxes, but the action of the Government was sustained, both in the lower court and in the court of appeals for the Indian Territory.

In the Cherokee Nation, when the store of a citizen was closed for nonpayment of taxes, an injunction was secured in the United States court against the officials of the Interior Department. Every means has also been resorted to in this nation to avoid the payment of the tribal hay royalty of 20 cents per ton on all hay shipped out of the nation, and it has been necessary to remove from said nation, under section 2149 of the Revised Statutes, certain noncitizens who have refused to comply with this law. The validity of this tax, and the right of the Interior Department to seize hay for nonpayment of royalty, has been sustained by the courts.

No towns have been surveyed and platted in the Cherokee Nation under the provisions of the Curtis Act. In the Creek Nation there have been two town-site commissions appointed, one for the town of Muscogee and one for Wagoner, and the plat of the town of Wagoner has been completed and is now under consideration with a view to its approval. The plat and appraisement of Muscogee have been approved by the Department. The approved value of lots in this town aggregates $236,136, and the expense of the commission to August 1, 1900, was $15,022.57. Improved lots under said act are scheduled to the owners of the improvements, to be purchased at one-half of their appraised value, while vacant or unimproved lots are to be sold at public auction at not less than their appraised value. Notices of appraisement were issued by the commission, but application for an injunction was made to the United States court, alleging the unconstitutionality of the Curtis Act, and claiming the nation had not yet given its consent to the sale of any lots or lands of the tribe. This restraining order was granted on the 25th of August, the court holding the act to be unconstitutional, and the commission was thereafter furloughed indefinitely without pay.

The report of the inspector gives the personnel of the tribal governments of the different nations, including their law-making bodies, called "national councils" in the Creek, Cherokee, and Choctaw nations, and the "national legislature" in the Chickasaw Nation.

The total expenses of the Creek tribal government during the year, in addition to that for schools, was $62,287.92, and the total expenses of the Cherokee tribal government during the same period, in addition to that for schools, was $30,548.26. Few acts were passed at the sessions of the council of either nation excepting those making appropriations.

The act of Congress approved June 7, 1897, requires the submission of all acts of the Creek and Cherokee councils to the President of the United States for Executive approval, except resolutions for

PIPESTONE RESERVATION AGREEMENTS.—Under the provisions of the act of June 7, 1897 (30 Stat., 87), an inspector of the Department has been negotiating with the Yankton tribe of Indians in South Dakota for the purchase of a parcel of land near Pipestone, Minn., on which is located an Indian industrial school. The propositions made in the matter have heretofore been rejected by the Indians. An agreement, however, was concluded October 2, 1899, whereby the Yankton Sioux agree to surrender their claim to the Pipestone Reservation, which contains 648.2 acres, for the sum of $100,000, of which $25,000 is to be expended for stock and cattle and the remainder paid to the tribe per capita. The Indians are to be permitted to quarry stone upon a portion of the reservation, not exceeding 40 acres in extent, to be selected by the Secretary of the Interior with the concurrence of a delegation of 5 Yankton Indians, and is to be suitably marked and designated. This agreement is now pending in Congress. The Government has a valuable school plant on this property and is about to expend considerable money for additional buildings. The desirability, therefore, of an early ratification of this agreement, which would result in the Government's obtaining indisputable title to the land, is self-evident.

NORTHERN CHEYENNE RESERVATION, MONTANA.—The Indian appropriation act of May 31, 1900 (31 Stat., 221), appropriated $171,615.44 to pay for certain lands and improvements of white settlers on that reservation and for the improvements made by the heads of 46 Indian families settled east of Tongue River, as recommended by Inspector McLaughlin. Most of the necessary deeds have been obtained from the settlers, and their claims will be fully adjusted in a short time. Payments will be made to the settlers by warrants drawn on the United States Treasury and to the Indians through the United States Indian agent.

PUEBLO INDIANS.—Last year the Albuquerque Land and Irrigation Company, a corporation existing under the laws of New Mexico, sought to appropriate surplus waters of the Rio Grande at a point just south of the pueblo of San Felipe and to construct a canal through that pueblo and also through Santa Ana and Sandia pueblos and the lands of many individuals. Protests were made, and the matter came into the district court at Santa Fe, which held that the company had a right to construct the canal across the Indian lands, but that the Indians had rights as prior appropriators of water in the Rio Grande, and the full capacity of their present ditches was guaranteed to them.

The lands of several pueblos in Bernalillo County, N. Mex., have been assessed for taxation by the county officials, and have been published in the delinquent-tax list for 1898 and prior years; accordingly the special attorney for the Indians was instructed to present every reasonable defense against the proposed tax sale. In April of

the present year Judge Crumpacker, of the district court of Bernalillo County, held that the property of the Pueblo Indians was not taxable. The Territorial authorities thereupon entered an appeal to the supreme court of New Mexico, where the matter is now pending.

ZUNI PUEBLO GRANT.—The title papers of the Zuni to their lands were accidently destroyed by fire a few years ago. A bill (H. R. No. 8685) to confirm their title to lands which the tribe had occupied for two hundred years is pending in Congress, and has been reported favorably by the Committee on Indian Affairs. It should become a law.

NEW YORK INDIANS.—The claim of the New York Indians for compensation for lands in Kansas growing out of the treaty concluded at Buffalo Creek on January 15, 1838, having been finally adjudicated before the Court of Claims, was referred to Congress for an appropriation.

At its last session Congress appropriated the amount of the judgment of the Court of Claims rendered November 23, 1898, with interest from that date to the mandate of the Supreme Court, April 19, 1899, viz, $1,998,744.46, but made no provision for the payment of the money to the beneficiaries. Special legislation will be necessary to enable the Department to make distribution of the judgment.

ABOLISHMENT OF OSAGE TRIBAL GOVERNMENT.—Bitter factional disputes in the election of tribal officers in 1898 caused an investigation to be made by Inspector McLaughlin, who designated who should be chief and assistant chief. Another dispute in 1899 over the election of the national council had to be settled by the Department. Moreover, there was no harmony between tribal officers and the Indian agent, the officeholders were ignorant, and moneys received from permit taxes were profligately used. Accordingly, by Department order of May 21, 1900, the national government and the national council were abolished. This action has resulted in a reduction of expenses and a considerable saving to this tribe in the amounts heretofore expended for salaries of a long list of tribal officials.

The accounts of the Indian traders of this agency are now being investigated by a special agent of the Department, with a view to determining the character and extent of the indebtedness of the Indians to such traders. This work is of necessity a tedious and arduous duty, and though the progress is slow, it is hoped that it will be completed before the end of the present year.

WENATCHI INDIANS.—The Indians residing in the vicinity of Mission and Wenatchee, Wash., known as the Wenatchi, and those scattered along the Columbia River in that part of the State, formerly known as the Palouse, but now generally included under the head of Wenatchi, have always been regarded as belonging to the Yakima Nation, and the Crow, Flathead, etc., commissioners, who were author-

ized to negotiate an agreement with the Yakima, made an effort to persuade the Wenatchi to remove to that reservation and take allotments, but without avail. The Wenatchi claimed that they were not a part of the Yakima Nation; that they spoke a different language, and that they should not be affiliated with them. The efforts to induce the Indians, 166 in number, to remove to the Yakima Reservation having failed, it was decided to give them allotments where they were living and in the vicinity of Mission and Wenatchee.

Accordingly 18 allotments were made by a special allotting agent, but sufficient unoccupied land to accommodate all could not be found. Many of the Indians have since expressed a willingness to go on the Colville Reservation, and it is believed that in the near future they can be provided with allotments on that reservation.

CHIEF JOSEPH AND HIS BAND OF NEZ PERCE.—Last March Joseph visited this city and begged to be allowed to take his band of 150 Nez Perce Indians from their present location on the Colville Reservation, Wash., back to the Wallowa Valley in Idaho. An inspector was directed to proceed to Idaho and investigate the matter, and on June 23, 1900, he reported that the valley was quite generally occupied by settlers who have most of the arable land under cultivation; that they did not desire Joseph there, and they do not wish to sell. Joseph's present location in the Nespelim Valley has a milder climate than the Wallowa Valley, has better hunting and fishing, and has plenty of good, arable land with timber, a sawmill, and a flourmill. He has a good house and every advantage, but he is a nonprogressive Indian, who retards the progress of his band. It has been decided that no interest would be subserved by allowing him to remove from Nespelim.

YAKIMA BOUNDARY CLAIM.—For some years the Yakima Indians in Washington have claimed that the southern and western boundary of their reservation as established by the Government survey was erroneous, and that they were deprived of lands which should properly be embraced within the reservation boundaries.

During the fall of 1898, pursuant to departmental instructions, Mr. E. C. Barnard, of the Geological Survey, made an examination of the disputed west boundary. He stated as a result of his investigation that the wording of the treaty of 1855 can not be made to conform to the topography of the country; that the reservation as at present surveyed does not extend to the main ridge of the Cascade Mountains as provided in the treaty, and that in his opinion the Indians have been deprived by the survey of the boundary as it now exists of a tract of territory embracing about 357,878 acres. The boundary of the tract claimed by the Indians does not extend as far west as Mr. Barnard thinks it should and embraces a tract of only 293,837 acres, or 64,041 acres less than he thinks they are entitled to. April 7, 1900, the Department approved Mr. Barnard's findings, at least to the amount

claimed by the Indians, 293,837 acres, and the Crow, Flathead, etc., commission was directed to adjust the matter, if possible, by inserting in any agreement negotiated a provision for the payment to the Indians of such sum as they could agree upon as compensation for the excluded lands, the terms to be just both to the Indians and to the United States. It is to be hoped that if an agreement is concluded with the Yakima Indians, as indicated, an amicable adjustment of this claim may be arranged and the same ratified by Congress.

Under the provisions of the act of Congress approved June 7, 1897 (30 Stat. L., 68), an investigation was made relative to the validity of warrants issued by the Creek Nation with a view of disbursing in payment thereof the sum of $333,000 by an officer of the United States. Said investigation showed that of the warrants drawn on the general fund, amounting to $208,941.08, $11,150 were fraudulently issued, and of the warrants payable from the school fund, amounting to $143,302.08, $74,580 were fraudulently issued. A full report of the proceedings is set out in Document No. 499, House of Representatives, Fifty-fifth Congress, second session.

A report of the officers who investigated the validity of warrants showed that E. B. Childers and certain other persons, whose names are set out in Exhibit A–1 of said document, were implicated beyond a reasonable doubt in the issuance of fraudulent Creek warrants. Afterwards separate indictments were presented to the United States court for the northern district of the Indian Territory against said Childers and others. In due course of time said Childers was tried and convicted and the other parties pleaded guilty to the indictments presented against them.

Charles H. Warth, F. M. Davis, and S. B. Callahan were indicted jointly, and upon a severance of their cases said Warth was tried and the jury failed to agree, and on the second trial he was acquitted. F. M. Davis has also been acquitted, and the case against S. B. Callahan is still pending.

On January 13, 1900, the President approved the act of the national council of the Cherokee Nation providing for the investigation of the irregularities reported by the Committee on Claims to have been found in the auditor's office of said nation.

Said act directed the principal chief to appoint a commission of two persons to investigate the auditor's office and make a thorough examination of the books and records thereof for the six years prior thereto, and make a tabulated statement of the reports of the district clerks, of the number and amount of certificates issued and to whom given, amounts registered and also receipts given, and to make a full and complete report of the business done in the auditor's office. The act also required the commission to report its findings in triplicate, one copy to be delivered to the principal chief, one copy to the United

States Indian Agent at Union Agency, and one copy to the United States district attorney for the northern district of the Indian Territory.

An investigation was had, and Special Inspector J. W. Zevely assisted in making the same under the directions of the Secretary. Mr. Zevely reported as a result of said investigation that a large amount of warrants had doubtless been fraudulently issued, but on account of the act of the Cherokee national council, which provided that after claims had passed the inspection of the committee on claims and had been reported upon and after the tickets had been properly audited and canceled the certificates composing such claims were required to be burned in the presence of the senate, thereby destroying the best evidence of fraud that might have been perpetrated upon the Cherokee people.

It was recommended that the United States Indian agent for the Union Agency defer payment upon certain national warrants until satisfactory evidence was furnished that the present owners are innocent holders for a valuable consideration, namely, Nos. B 70, B 80, B 81, and B 82; amount, $4,632. The Department concurred in the recommendation and the United States Indian agent was directed to withhold payment of said warrants in accordance with said recommendation.

OFFICE OF THE ASSISTANT ATTORNEY-GENERAL.

The force in this office is occupied in great measure with the consideration of matters arising under the public-land laws of the United States, and in lesser measure is engaged in the disposition of matters arising under the Indian, pension, patent, and other laws, the administration of which is committed to this Department.

For the first time in over twenty years the work is now practically current, a result effected only through the unremitting efforts of the Assistant Attorney-General and his assistants in the dispatch of the extremely difficult public business intrusted to them. Their work merits the highest commendation, and I take pleasure in so stating.

The matters at this time awaiting consideration and disposition are: One hundred and forty-five appeals from the Commissioner of the General Land Office; 55 motions for review of decisions heretofore rendered upon such appeals; 48 miscellaneous matters, including railroad land grant adjustments; 13 requests for law opinions by the Assistant Attorney-General.

The matters considered and disposed of during the last year are as follows: One thousand seven hundred and one decisions, receiving the signature of the Secretary of the Interior, in appeals from the Commissioner of the General Land Office; 429 decisions, receiving the signature of the Secretary of the Interior, upon motions for review; 524 decisions, regulations, and orders, receiving the signature of the

Secretary of the Interior, in miscellaneous matters; and 81 law opinions, receiving the signature of the Assistant Attorney-General and approval of the Secretary of the Interior.

The more important of the decisions and opinions prepared in this office during the year have been published in Volumes XXIX and XXX of the Land Decisions, and comprise over 800 pages.

LANDS.

There were disposed of during the fiscal year ended June 30, 1900, public lands aggregating 13,453,887.96 acres, classified as follows: Cash sales, 1,178,982.47 acres; miscellaneous entries, embracing homesteads, timber culture, land warrants, scrip locations, State selections, swamp lands, railroad and wagon road selections, Indian allotments, etc., 12,212,482.40 acres, and Indian lands, 62,423.09 acres; showing an increase for 4,271,474.80 acres as compared with the aggregate disposals for the preceding fiscal year.

The total cash receipts during the fiscal year from various sources, including disposal of public land, $4,056,812.86, and Indian land, $239,769.39, from depredations on public lands, $45,602.99, from sales of timber on forest reserves, $18,756.29, from sales of Government property, $4,387.35, and for furnishing copies of record and plats, $14,429.22, aggregate $4,379,758.10, an increase of $1,309,620.76 over the preceding fiscal year.

The total expenses of district land offices for salaries and commissions of registers and receivers, incidental expenses, and expenses of depositing public moneys, during the fiscal year ended June 30, 1900, were $727,581.98, an increase, as compared with the fiscal year ended June 30, 1899, of $66,179.71.

The total area of the public lands may be stated to be approximately 1,071,881,662 acres, of which 917,135,880 acres are undisposed of and 154,745,782 acres have been reserved for various purposes.

The following table, compiled from reports received from the various local land offices, gives, by States and Territories, an approximate estimate of the reserved as well as the unappropriated lands in the land States and Territories at the close of this fiscal year:

State or Territory.	Area unappropriated and unreserved.			Area reserved.	Area appropriated.
	Surveyed.	Unsurveyed.	Total.		
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Alabama	359,250	.....	359,250	53,880	32,244,790
Alaska	(1)	359,492,760	359,492,760	8,610,920	(1)
Arizona	10,886,745	39,400,241	50,286,986	16,798,146	5,707,188
Arkansas	3,493,444	.....	3,493,444	2,560	30,047,676
California	34,423,923	8,043,589	42,467,512	16,011,279	41,491,129
Colorado	35,134,613	4,515,634	39,650,247	5,490,001	21,207,912
Florida	1,438,749	157,662	1,596,411	19,259	33,456,970

[1] The unreserved lands in Alaska are mostly unsurveyed and unappropriated.

State or Territory.	Area unappropriated and unreserved.			Area reserved.	Area appropriated.
	Unsurveyed.	Surveyed.	Total.		
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Idaho	11,722,541	31,564,153	43,286,694	1,742,809	8,263,937
Illinois					35,842,560
Indiana					22,950,400
Indian Territory				19,658,880	
Iowa					35,646,080
Kansas	1,196,900		1,196,900	987,875	50,197,945
Louisiana	377,206	65,018	442,224	1,474,834	27,138,302
Michigan	430,483		430,483	90,386	36,298,331
Minnesota	2,386,295	2,309,908	4,696,203	5,022,298	41,479,579
Mississippi	285,804		285,804		29,399,316
Missouri	337,946		337,946		43,457,894
Montana	18,546,146	49,416,911	67,963,057	11,511,531	14,119,012
Nebraska	9,798,688		9,798,688	69,902	39,268,690
Nevada	29,622,658	31,654,848	61,277,506	5,983,409	3,075,725
New Mexico	41,951,628	14,589,542	56,541,170	5,967,412	15,920,218
North Dakota	12,597,130	6,128,109	18,725,239	3,370,291	22,814,550
Ohio					26,062,720
Oklahoma	5,733,572		5,733,572	7,203,429	11,837,399
Oregon	23,489,861	10,888,046	34,377,907	5,500,821	21,398,712
South Dakota	11,612,943	317,866	11,930,809	12,909,822	24,365,769
Utah	10,019,262	32,948,189	42,967,451	5,487,668	4,086,321
Washington	5,237,302	5,888,581	11,125,883	12,366,791	19,254,206
Wisconsin	313,565		313,565	365,353	34,595,962
Wyoming	43,194,311	5,163,858	48,358,169	8,046,226	6,028,885
Grand total	314,590,965	602,544,915	917,135,880	154,745,782	737,658,178

[1] The unreserved lands in Alaska are mostly unsurveyed and unappropriated.

PATENTS ISSUED.—Twenty-nine thousand five hundred and forty-eight patents for agricultural lands were issued during the fiscal year, containing approximately 4,727,680 acres, a decrease of 4,859 in number, and 777,440 in acreage over the previous year. Of mineral and mill-site patents 1,415 were issued, embracing an area of 42,392.52 acres, a decrease from the former year of 297 patents, and 5,336.75 acres. Sixty-nine coal patents were issued, embracing 9,149.16 acres, an increase over the previous year of 31 patents and 5,266.06 acres.

RAILROAD AND WAGON-ROAD LAND PATENTS.—During the fiscal year there have been certified or patented on account of railroad grants 1,277,572.68 acres, as against an area patented during the fiscal year ended June 30, 1899, of 504,651.23 acres, an increase of 772,921.45 acres. There were patented under wagon-road grants 61,501.52 acres, an increase of 1,109.75 acres over the preceding year.

ADJUSTMENTS.—The report of the Commissioner of the General Land Office shows that material progress has been made in the examinations necessary to the adjustment of railroad land grants.

SWAMP-LAND PATENTS AND SCHOOL LANDS.—There were patented as swamp land in place 98,097.36 acres, and as swamp land indemnity lands 1,175.63 acres, a total of 99,272.99 acres, a decrease over the amount patented during the last fiscal year of 51,268.14 acres. School

lands were selected and certified during the year to the amount of 772,209.45 acres, an increase of 351,449.30 acres over the preceding year.

INDIAN AND MISCELLANEOUS PATENTS.—Patents of this class were issued during the year to the amount of 342,531.26 acres, an increase over the preceding fiscal year of 129,682.53 acres.

The total net increase in lands patented over the preceding fiscal year is 426,384.20 acres.

STATE DESERT-LAND SEGREGATIONS.—By section 4 of the act of August 18, 1894 (28 Stat., 373–422), as amended by the act of June 11, 1896 (29 Stat., 413–434), provision is made for the donation to each of the desert-land States of not more than 1,000,000 acres of such lands. Under these acts one patent for 3,855.25 acres was issued to the State of Wyoming. One list, aggregating 54,005.92 acres, filed by the State of Idaho was approved.

ENTRIES IN ALASKA.—Under the provisions of the acts of March 3, 1891 (29 Stat., 1095), and May 14, 1898 (30 Stat., 409), five non-mineral entries for lands in Alaska have been patented during the last fiscal year.

RESERVOIRS FOR THE PURPOSES OF STOCK BREEDING AND TRANSPORTATION.—Under the act of January 13, 1897 (29 Stat., 484), the number of declaratory statements pending is 7,363; of these 2,470 were canceled or relinquished, but the proceedings were informal and further action is required before they can be disposed of; 348 have been properly amended and 4,545 are held awaiting the reports of the local land officers before they can be further acted upon.

RIGHTS OF WAY FOR RAILROADS.—Under the act of March 3, 1875 (18 Stat., 482), providing for rights of way over public lands, the act of May 14, 1898 (30 Stat., 409), providing for rights of way in Alaska and various special acts, there were awaiting action July 1, 1899, 5 articles of incorporation of companies claiming such rights; 77 such articles were filed during the year; 32 were returned for correction; 28 were accepted, and 15 are now awaiting action by the Commissioner or Secretary. Under these acts 45 maps of the proposed line of road were awaiting action July 1, 1899; 501 were received during the year; 88 had been approved; 28 have been filed which did not require approval; 326 have been otherwise disposed of, being principally returned for correction, and 104 are awaiting action by the Commissioner or Secretary.

RIGHTS OF WAY FOR IRRIGATION AND OTHER PURPOSES.—Under the provisions of the act of March 3, 1891 (26 Stat., 1095), as amended by the act of May 11, 1898 (30 Stat., 404), 36 rights of way have been approved during the year for canals and reservoirs; 51 maps of the line or route of the canal or site of the reservoir were awaiting action July 1, 1899; 253 were presented during the year; 49 were approved;

6 were filed which did not require approval; 215 were otherwise disposed of, being principally returned for correction, and 37 are awaiting action by the Commissioner or Secretary.

In my report for last year it was pointed out that these two acts relating to right of way for canals, reservoirs, etc., together with four other acts upon the same subject, constitute a group of statutes the administration of which has been the source of much embarrassment because of the unnecessarily large number of acts and the confusing amendments, while they do not, after all, cover the whole subject in a satisfactory manner, failing to provide for certain important uses of right of way and being otherwise too limited in scope.

In pursuance of the recommendation of this Department that a comprehensive act covering the entire subject should be passed a draft of a bill was transmitted by the Department to the Committee on Public Lands of the Senate with favorable recommendation, but no action has been taken thereon.

In view of the importance of this matter to the development of the industries of the West which are dependent upon the storage and conveyance of water, the former recommendation is renewed, and it is hoped that some act of the character indicated will be passed.

OIL FIELDS OF CALIFORNIA.—The past year has marked the beginning of the development of the petroleum industry in southern California. The surface indications of the existence of such deposits have been sufficient to induce the expenditure of vast sums of money in sinking wells, which have demonstrated the existence of petroleum deposits in large and profitable quantities. Many of these wells have been sunk upon public lands. As a result of this, mineral claimants have given an impetus to the location of mining claims in that region, so much so that practically all public lands containing any indication of petroleum have been located as mineral land.

Coincident with the foregoing, selections under the act of June 4, 1897 (30 Stat., 11), which can only be made upon vacant nonmineral land, began to be filed for lands located as mineral, causing a flood of protests by mineral claimants against such selections. To meet these conflicting conditions, on December 18, 1899, I instructed the Commissioner of the General Land Office to require notice by publication and posting of all selections of surveyed land within 6 miles of a mining claim, and of all selections of unsurveyed land, to the end that all parties might be afforded an opportunity to be fully and fairly heard on the questions at issue. In the meantime the Commissioner of the General Land Office, upon protests and petitions of such importance and magnitude as to warrant it, directed the local officers to suspend from agricultural entry lands in 78 townships in southern California until the character of the lands could be investigated, and special agents were at once directed to make a thorough investigation of the same.

It was recognized, however, that the existing mining laws did not sufficiently protect mineral locators, who had based their locations upon surface indications of the existence of petroleum, owing to the fact that the character of the petroleum deposit differed materially from that of other placer deposits, and that the existence of such petroleum deposits could not, as in the case of other deposits, be established except by means of wells, which require vast labor and expense.

Thereupon bills were introduced in Congress, which proposed to allow locators of mining claims alleged to be valuable for petroleum deposits—

> Three months from and after the marking of their claims on the ground within which to begin work for the purpose of completing discovery, and such discovery, when made, while working the claim with reasonable diligence, shall relate back and have effect nunc pro tunc as though made before or at the time of marking the claim on the ground.

These bills were referred to this Department for report. May 9, 1900, they were returned to Congress with my approval of the recommendation of the Commissioner of the General Land Office that these measures, subject to the modification that the work of discovery should be completed within twelve months from date of location, be enacted into law.

PROTECTION OF PUBLIC LANDS.—During the year an average of 48 agents were employed in the investigation of fraudulent entries and in otherwise protecting the public lands from illegal appropriation and timber trespasses, and also in the examination of applications to purchase timber on public lands.

During the last year 1,356 entries were held for cancellation, 598 canceled, 641 examined and passed, 486 were referred to special agents for investigation, hearings were ordered in 199, and there are now pending 2,962.

DEPREDATIONS UPON PUBLIC TIMBER.—There were 534 cases of depredations upon public timber reported during the year, involving public timber and products therefrom to the value of $572,408.50, recoverable to the Government. There were 132 civil suits recommended, involving an aggregate of $524,745.09; 134 propositions of settlement accepted, involving $42,719.45, and sales of timber effected, involving $23,932.22. There were also 160 criminal suits recommended.

The amount involved in propositions of settlement accepted and sales of timber and lumber is $66,651.67. There were received from compromises effected under section 3469, Revised Statutes, $18,299.55; and the amount involved in fines imposed and judgments rendered is $151,084.03, making a total of $236,035.25, resulting from the work

of the General Land Office in investigating timber depredations upon public lands, an increase of $21,860.27 over the preceding fiscal year.

On June 30, 1900, there were pending in the United States courts 131 civil suits for the recovery of a total amount of $996,856.89, for the value of timber alleged to have been cut unlawfully from public lands, and 360 criminal prosecutions for the act of cutting or removing timber in violation of law.

COMPULSORY ATTENDANCE OF WITNESSES.—The recommendations made by the General Land Office in previous years for needed legislation compelling the attendance of witnesses at hearings ordered on special agents' reports before the local land officers are renewed. Attention is earnestly invited to the urgent need existing for such legislation.

PUBLIC SURVEYS.

By the act of Congress approved March 3, 1899 (30 Stats., 1097), making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1900, and for other purposes, there was appropriated "for surveys and resurveys of public lands" the sum of $325,000, of which amount the Commissioner of the General Land Office was authorized to expend so much as he might deem necessary for examinations in the field, etc.

The sum of $75,000 was set aside to cover the cost of field examinations, and the sum of $10,000 reserved for emergencies, leaving the sum of $240,000 to be apportioned among the several surveying districts. The apportionment made to the several districts was as follows:

Arizona	$10,000	Oregon	$22,000
California	10,000	South Dakota	2,000
Colorado	6,000	Utah	21,000
Idaho	34,000	Washington	30,000
Minnesota	5,000	Wyoming	22,000
Montana	43,000	Examinations in the field	75,000
Nevada	5,000	Reserve fund	10,000
New Mexico	8,000		
North Dakota	22,000	Total	325,000

Further apportionments were made from time to time to several surveying districts from the fund of $10,000 held in reserve, and contracts were let and approved to very nearly the extent of the means available.

The annual surveying instructions for the fiscal year ending June 30, 1900, will be found in the appropriate place in the Commissioner's report.

Surveys were accepted during the fiscal year after examination in the field, careful comparison of the surveying returns, and inspection

of the plats and field notes, covering 7,567,282 acres, distributed as follows:

State or Territory.	Acres.	State or Territory.	Acres.
Alaska	939	New Mexico	58,853
Arizona	65,337	North Dakota	1,091,431
California	206,698	Oklahoma	4,460
Colorado	21,600	Oregon	448,141
Florida	46	South Dakota	1,066,600
Idaho	948,622	Utah	784,001
Minnesota	92,234	Washington	640,010
Montana	979,917	Wyoming	724,568
Nebraska	59	Total	7,567,282
Nevada	433,766		

ALASKAN SURVEYS.—By act of Congress, approved March 3, 1899 (30 Stats., 1097), the rectangular system of surveys was extended to the district of Alaska, but no apportionment out of the appropriation for surveys and resurveys was made to the said district of Alaska, nor have any surveys under the rectangular system been made in Alaska during the fiscal year. The surveys made in the district during the fiscal year were executed under the act of Congress approved March 3, 1891, and in conformity with circular instructions dated June 3, 1891, providing that the survey of lands for town site, trading, and manufacturing purposes should be paid for from deposits made by the applicants desiring such surveys, and under instructions issued June 8, 1898, as provided for by the act of Congress approved May 14, 1898 (30 Stats. L., 409).

The surveyor-general reports that there were examined and passed upon 46 returns of surveys, made under the act of Congress approved May 14, 1898, relating to the acquisition of title through soldiers' additional homestead rights; 7 for trade and manufacture, under the act of May 14, 1898, and 6 for trade and manufacture, surveyed under special instructions issued pursuant to the act approved March 3, 1891; 2 applications were made for town-site surveys and 80 applications for mineral surveys; 15 applications for mineral surveys were approved; 9 surveys were suspended and 2 rejected; 62 estimates for office work were prepared and 35 orders for surveys were issued; 54 practical surveyors were appointed as United States deputy mineral surveyors for the district, 28 of whom are located at Nome; $1,520 was deposited for office work in connection with surveys. He estimates that the sum of $103,872 will be required for public-land surveys during the fiscal year ending June 30, 1902, and, in support of his conclusions, states:

> When the history and condition of this district are considered, it will be seen that the foregoing estimate is reasonable and just. It has an area sufficient for an empire. This immense domain has been in the possession of the United States for a third of a century. It has added very materially to the business and prosperity of the coun-

try, and yet not an acre of this immense domain has been surveyed at the expense or under the system of the public-land surveys of the United States. The country is not open for settlement under the ordinary meaning of the term, and the larger portion of its inhabitants have no place which they can truly call home. The provisions for acquiring title to mineral lands in Alaska, prior to extending the lines of public surveys over them, were too restrictive and involved too large an expense upon the part of the applicant to be of much benefit to the ordinary home seeker; and now that the law authorizes the extension of public-land surveys to Alaska, adequate provisions should be made for carrying the law into effect.

SURVEY OF UTAH—ARIZONA BOUNDARY.—By the act of Congress approved June 6, 1900, making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1901, there was appropriated:

For the ascertainment, survey, marking, and permanent establishment of the boundary line between the State of Utah and the Territory of Arizona, being that portion of the parallel of thirty-seven degrees of north latitude lying between the thirty-second and thirty-seventh degrees of longitude west from Washington, an estimated distance of two hundred and seventy-seven miles, including the expense of an examination of the survey in the field, the rate of compensation per mile to the surveyor to be fixed by the Secretary of the Interior, the same to include the cost of the preparation of the plats and field notes of the survey in triplicate, twenty-two thousand eight hundred dollars.

With a view to carry out the provisions of this act, the Commissioner of the General Land Office was called upon to submit a recommendation as to the proper method of establishing said boundary line, and acting upon the suggestions made by him, which were to have the line astronomically determined and marked by iron and stone monuments at mile intervals with six astronomical monuments, and approving his recommendation of a surveyor for this purpose, I authorized him to contract with Howard B. Carpenter, of California, to execute the survey. The contract was accordingly awarded to Mr. Carpenter, and it is expected that the survey will be proceeded with at the earliest practicable date.

By the terms of the contract the surveyor is allowed $75 per mile for surveying and marking the line, including all field expenses, and the preparation of the plats and field notes in triplicate. The survey is to be completed and returns thereof made to the General Land Office on or before April 1, 1902.

CHIPPEWA CEDED LANDS IN MINNESOTA.

The act of January 14, 1889 (25 Stat., 642), made provisions for obtaining the cession of the greater part of the reservations occupied by the Chippewa Indians in the State of Minnesota, for the examination of ceded lands, for the purpose of classifying them as either "pine" or "agricultural" lands, and for the disposition of these two classes of lands, etc.

The reservations coming within the provisions of the act were 12 in number. The aggregate area of the land therein subject to disposal was 2,984,297.98 acres, valued at $5,273,010.72, of which 610,720.42 acres had been disposed of up to the 30th of September, 1900. On that date the total receipts from sales of Chippewa lands, etc., deposited in the Treasury to the credit of the Chippewa Indians were $837,009.81.

The act of January 14, 1889 (25 Stat., 642), above mentioned, also provides, among other things, that after the survey, examination, and appraisals of the ceded Chippewa pine lands, as provided in said act, have been fully completed, they shall be proclaimed as in the market and offered for sale after publication for four successive weeks in certain newspapers, designated in section 5 of said act; and that when any agricultural lands on said reservation, not allotted in said act nor reserved for the future use of said Indians, have been surveyed as provided in said act, the Secretary of the Interior, after thirty days' notice through one newspaper in certain cities designated in section 6 of said act, may dispose of said lands under the homestead laws to actual settlers only, for not less than $1.25 per acre.

By act of Congress approved February 26 1896, (29 Stat., 17), the act of January 14, 1889, was amended so as to provide that whenever and as often as the survey, examination, and appraisal of 100,000 acres of pine lands or of a less quantity, in the discretion of the Secretary of the Interior, have been made, all portions so surveyed, examined, and appraised shall be proclaimed as in the market and offered for sale.

On March 30, 1899, pursuant to the authority of the act of March 1, 1899 (30 Stat., 929), the Commissioner of the General Land Office was directed by me to suspend until further notice all estimating, appraising, examining, selling, and cutting of timber, as well as the letting of further logging contracts on the Chippewa Indian lands in the State of Minnesota, under the act of June 7, 1897 (30 Stat., 90), and also the sale of said lands.

He was also directed to notify all persons employed in connection with the estimating, appraising, and examining and cutting of timber on the Chippewa lands that they were furloughed without pay until further notice. That order was modified on July 26, 1899, in so far as it applied to a part of the N. ½ of sec. 15, T. 145 N., R. 31 W., and such proceedings were subsequently had as resulted in the sale of said tract, aggregating about 290 acres, on November 1, 1899.

Subsequently, representations having been made to the Department by the Senators and Representatives in the Congressional delegation from Minnesota that it would be in the interest of the Indians that the pine lands in the four ceded townships of the White Earth Reservation, Minn., be sold, and the agricultural lands opened for disposition under the homestead laws, I referred the matter to the Commissioners of the General Land Office and Indian Affairs, respectively,

and upon consideration of their reports that no practical objection existed to the disposition of said lands as provided for under said acts, I accordingly, on October 6, 1900, directed that the pine lands in said townships, aggregating 39,922.48 acres, be offered for sale on November 27, 1900, and that the agricultural lands, aggregating 33,316.14 acres, be opened for disposition under the homestead law, as provided in said act, on December 4, 1900.

It was also directed that 967.32 acres of pine lands in secs. 8, 17, 20, 22, 27, 29, and 31, T. 148 N., R. 35 W., be also sold on November 27, 1900, making the entire amount of pine land to be offered for sale, 40,809.80 acres, containing 76,872 thousand feet of timber appraised at $232,974.77, and the order of March 30, 1899, was modified accordingly.

The results obtained from the administration of the act of January 14, 1899, have not been satisfactory to the Department, as the system devised thereunder has failed to secure to the Indians the largest benefit from the sale of the pine and agricultural lands.

It is my purpose at as early a day as practicable to bring this matter more fully to the attention of Congress and to suggest such remedy as in my judgment is necessary to a better protection of the interests of the Chippewa Indians.

THE PUBLIC FORESTS.

The forest policy as inaugurated by my immediate predecessor in office has been continued during the year, and the results obtained in the conservation of the national forests and the protection of timber on reserved as well as unreserved lands have demonstrated the wisdom of its adoption, and the necessity, in the interest of the public, for its continuance and increased appropriations by Congress for the carrying on of the work.

FOREST RESERVATIONS.—On June 30, 1899, there were 37 forest reservations created by Presidential proclamations under section 24 of the act of March 3, 1891 (26 Stat., 1095), embracing an area of 46,425,529 acres. During the year the Olympic Forest Reserve, in the State of Washington, was reduced 265,040 acres, its present area being 1,923,840 acres. The Prescott Reserve, in Arizona, was enlarged from 10,240 acres to 423,680 acres, and the Big Horn Reserve, in Wyoming, was enlarged from 1,127,680 to 1,180,800 acres.

One new reserve, the Santa Ynez, in California, embracing an area of 145,000 acres, was created during the year.

There were, therefore, on June 30, 1900, 38 forest reservations, embracing an area of 46,772,129 acres.

On October 10, 1900, by Presidential proclamation, the Crow Creek Forest Reserve, in Wyoming, was created, with an area of 56,320 acres.

Numerous requests and recommendations for changes in the boundaries of existing forest reserves and for the establishment of new reserves have been presented, necessitating extensive examinations being made of the lands of various sections of the country in order to determine their fitness for forest reserve purposes, etc.

This work has proved most laborious, calling for close personal inspection on the part of forest officers of vast areas of land, which are mostly rugged and mountainous regions, uninhabited, and lacking in facilities for travel.

PATROL OF THE RESERVES.

At the beginning of the year, July 1, 1899, there were 9 superintendents, 37 supervisors, and about 250 rangers. During the three great danger months, July 15 to October 15, it seemed wise to make the force as large as possible, even though necessary at a later date to reduce it to an entirely inadequate number. Accordingly, on July 15 the force of rangers was increased to 350, which force was reduced during October and November to 9 superintendents, 6 supervisors, and the said 85 rangers.

The forest rangers, in addition to their other duties, have been required to clear out old trails and roads and to blaze and cut new trails through the reserve, and at danger points to cut fire breaks. During the year there have been cleared out and made accessible for unobstructed use 2,250 miles of old trails, and 1,095 miles of new trails have been cut, and 1,396 miles of trails have been blazed; 264 miles of permanent fire breaks have been cut, with an average width of 39 feet.

The opening of trails is considered one of the most important features of patrol work, as it makes possible the reaching of forest fires in the shortest possible time, saving, in many instances, long journeys to get from one danger point to another.

Under former appropriations for the service the number of forest rangers employed was wholly inadequate to meet the requirements of the work, they being scattered over the vast area of lands to be guarded. The appropriation of $300,000 for the fiscal year ending June 30, 1901, is more commensurate with the requirements of the service. I concur in the Commissioner's recommendation that not less than the appropriation of $300,000 for the forest service, in connection with the creation and administration of forest reserves, be continued for next year, with a possible increase in case additional lands are set aside as forest reservations.

FOREST FIRES.—A comparative statement of fires for the years ending June 30, 1899, and June 30, 1900, shows that the rangers discovered and extinguished 237 more camp fires during the year just closed than last year.

Of the fires that had gained considerable headway there were but 173, against 223 last season; the former burned 12,360 acres, or about 70 acres per fire, while those of last season burned 52,112 acres, or 223 acres per fire. This shows that not only fewer fires got beyond the incipient stage, but that they were discovered and extinguished more promptly; furthermore, the extra expense of fighting them was but $9 per fire, while last year it was $14.

Last season there were 9 of the large devastating fires, burning over a total area of 79,500 acres, and costing $8,835, whereas this season there have been 8 such fires, burning over but 50,680 acres, and costing $2,315.

CONSERVATIVE LUMBERING.—During the past year much attention has been given to the question of putting into operation a system for harvesting and marketing timber on the reserves in accordance with the needs of the local population, coupled with provision for reproduction of the crop and maintenance of proper forest conditions.

The task is one of great proportions, involving much preliminary work of a careful nature, growing out of the fact that heretofore the lumbering system throughout the public domain has been largely to take regardlessly whatever was needed free of cost, leaving an almost certain wake of fire to mark the course, and floods to follow later. As a preliminary step in the matter, instructions were issued to each of the forest superintendents to make a careful study of the subject of conservative lumbering as applicable to the particular reserves under his charge, and thereafter submit a comprehensive report in regard to each reserve, showing what he deems the best methods to be pursued in connection with harvesting the timber therein. They were also directed to make a further study and report upon the closely related subject of reforestation and to cooperate with the work of the Agricultural Department in its administration of this branch of forestry. Future experience in the management of the forestry service may indicate the advisability of the transfer of the supervision of all public forests to the Secretary of Agriculture.

SALES OF TIMBER WITHIN FOREST RESERVES.—Fifty-three petitions for sale of timber from lands within forest reserves have been received, involving 30,475,271 feet of timber, board measure, 20,555 cords of wood, and 10,000 fence posts. Forty-eight petitions were pending before the office at date of last report. Twelve sales have been effected, the proceeds of which amount to $36,754.02.

Petitions have been withdrawn or passed upon unfavorably by the Department in 47 cases, and 42 cases are pending examination by forest officers, completion of advertisements, or necessary official action, to dispose of the same.

TIMBER ON UNRESERVED LANDS.—The number of petitions received during the year for sales of timber on unreserved lands, under the cir-

cular of March 17, 1898, and the act of March 3, 1891 (26 Stat., 1093), amounted to 86, involving a total of 48,086,400 feet of timber, board measure, and 23,880 cords of wood, and there were pending at the commencement of this fiscal year 41 petitions for such sales.

Sales of timber have been effected in 13 cases, involving a total of 5,942,515 feet of timber, board measure, and 500 cords of wood, realizing the sum of $5,217.38, which had been collected and paid into the Treasury of the United States, and the timber sold had been partially appropriated and was in process of cutting and removal previous to the announcement of Department decision of November 27, 1899, revoking said circular of March 17, 1898, authorizing such sales. A very large amount of dead timber, which it is not practicable to estimate in feet or cords, was involved in the pending cases. The latter, numbering 114, have been dismissed as a consequence of the Departmental decision in the premises.

The annual reports of the Land Office have for many years past contained urgent recommendations for action on the part of Congress looking to the elimination from the statute books of the mass of laws that had accumulated on the subject of public timber on unreserved lands, the majority of which were undesirable and to a great extent conflicting, and the enactment of proper laws governing the matter. In February, 1900, the Commissioner of the General Land Office again called the attention of the Department to the necessity for some legislation in this matter, and submitted a draft of a bill revising the existing laws on this subject, which, under date of March 2, 1900, was transmitted by me to Congress with favorable commendation. This bill was subsequently introduced in the Senate and House of Representatives, respectively, as H. R. 10405 and S. 3498. The need for the passage of such an act is so imperative that I earnestly recommend that the bill become a law at the earliest possible date.

LIEU SELECTIONS IN PLACE OF PRIVATE LANDS IN FOREST RESERVES.—There were received during the year 2,023 applications for selections of lands in lieu of holdings within forest reservations, involving an aggregate area of 451,130.23 acres. There had previously been received 610 applications, involving an area of 71,897.13 acres, making a total received to June 30, 1900, under the act of June 4, 1897, of 2,633 applications, involving an aggregate of 523,027.35 acres. Of this number 243 have been approved, 156 patented, and 46 rejected, leaving 2,344 awaiting action.

There were received 16 applications for exchange of lands within forest reserves, of which 4 have been rejected, leaving 12 still pending.

During the year numerous recommendations were made to Congress by this Department looking to a modification of that portion of the act of June 4, 1897 (30 Stat., 36), which authorized lieu selections for reconveyed or relinquished tracts, with a view to preventing specula-

tion in public lands, with the result that in the sundry civil act (31 Stat., 614) a provision was inserted which confines said selections to surveyed lands on and after October 1, 1900.

Thus it will be seen that one of the most objectionable features of the act of June 4, 1897—i. e., that of permitting the selection of unsurveyed lands—has been removed.

In the interest of public good I am constrained to renew former recommendations for other modifications of this law. As an instance of the condition of affairs, and to illustrate the abuses under the existing law, the Commissioner calls attention to the fact that owners of large quantities of land within the forest reserves which have been greatly reduced in value by the cutting of the timber therefrom, are selecting in lieu thereof valuable surveyed timber land, and, under the law, the land department is compelled to allow such selections, there being no reservation in the statute of authority on the part of the officers of the land department whereby they can insist that the lands relinquished and those selected shall be of reasonable equality in value and character.

The act of June 4, 1897, is limited to such reservations as have been or may be established "by the President of the United States under the provisions of the act approved March 3, 1891." Forest reservations have also been established under the acts of September 25, 1890 (26 Stat., 478), and October 1, 1890 (26 Stat., 650), and it is believed that the lieu land provision in the act under consideration, when modified as here suggested, ought to be equally applicable to them.

LANDS RESERVED WITH A VIEW TO THE CREATION OF NATIONAL PARKS.

WIND CAVE IN SOUTH DAKOTA.—The attention of the Department was directed to what is known as the Wind Cave in South Dakota, the entrance to which is in sec. 1, T. 6 S., R. 5 E., Black Hills meridian, about 12 miles southeast of the town of Custer, as being a cavern of considerable size and possessing wonders of such surpassing interest as that it should be set apart as a park or pleasuring ground for the people. An investigation of the cave was accordingly made by two geologists of the Geological Survey, and from their report, which is set forth more fully in the report of the Commissioner of the General Land Office, it appears that the cave is of large dimensions, of great interest and beauty, having many miles of galleries branching and reticulating along the joined planes of carbonaceous limestone, and numerous chambers with stalactitic and stalagmitic formations. Owing to the existence of a number of unperfected entries covering lands around the mouth of the cave, it would not be advisable at this time to have the same set apart as a national park. With a view, however, to future action by Congress in the premises, a temporary

withdrawal has been made of the necessary lands subject to any and all valid rights acquired by virtue of existing entries.

THE PETRIFIED FOREST OF ARIZONA.—In February of 1895 the secretary of the Territory of Arizona forwarded to the Department a copy of the memorial of the eighteenth legislative assembly of Arizona praying that certain lands in Apache County, Ariz., known as the Petrified Forest, be withdrawn from entry with a view to the creation of a pleasuring ground or park for the people, for the purpose of preserving for their benefit the natural wonders and curiosities of that region. An investigation of the lands in question was made, which resulted in the issue by the Department, under dates of December 15, 1896, and December 15, 1899, of orders directing the temporary withdrawal from the settlement, the sale, or other disposal of Ts. 16 and 17 N., Rs. 23, 24, and 25 E., Gila and Salt River meridian, Arizona. During the last session of Congress a bill (H. R. 9634) providing for the setting apart as a national park of the six townships above described was introduced and is still pending.

SHOSHONE FALLS, IDAHO.—The delegation of the State of Idaho in Congress called attention to lands embracing Ts. 9 and 10 S., Rs. 17 and 18 E., on the Snake River, in southern Idaho, with a view to the setting of the same aside as a pleasuring ground or park for the benefit of the people, and an official examination of the region, which embraced the Shoshone Falls, the Twin Falls, and the Blue Lakes, disclosed a region of scenic attractions and great natural beauty, and, as a result, the four townships above mentioned have been withdrawn from further entry or disposal, with a view to the setting of the same aside by Congress, at some time in the future, as a national park.

REMAINS OF PREHISTORIC CIVILIZATION IN NEW MEXICO.—An official examination has been made of lands in New Mexico containing extensive ruins, with a view to its reservation as a pleasuring ground or park for the benefit of the people. The reports received show that the region in question is a tract of land lying between the Rio Grande del Norte on the east and the base of the Rocky Mountains on the west, the Chamer on the north and the Rio de los Frijoles on the south, about 30 miles long by 15 miles in width. This region is a plateau of an altitude varying from 6,000 to 9,000 feet, of volcanic origin and deeply seamed with canyons. The district is noted for the remains of prehistoric civilization, of the so-called Cliff Dwellers, with which it is covered.

THE OPENING OF THE NORTH HALF OF THE COLVILLE INDIAN RESERVATION.

The act of July 1, 1892 (27 Stat., 62), entitled "An act providing for the opening of a part of the Colville Reservation in the State of Washington, and for other purposes," vacated and restored to the

public domain a portion of the Colville Indian Reservation created by Executive order, dated July 2, 1872, and by other proceedings, whereby the same was set apart for a reservation for any Indians or band of Indians, and provided that the same should be opened to settlement and entry by the proclamation of the President of the United States, and should be disposed of under the general laws applicable to the disposition of public lands in the State of Washington.

It was also provided by said act that every Indian then residing upon the portion of said reservation vacated and restored to the public domain, and who was entitled to reside thereon, should be entitled to select from said vacated portion 80 acres of land, which should be allotted to each Indian in severalty, and that no restrictions as to locality should be placed upon such selections further than that they should be so located as to conform to the authorized survey or subdivisions of said tract of country, and that an Indian having improvements should have preference over any other person in and upon the tract of land containing such improvements, so far as they were within a legal subdivision not exceeding in area the quantity of land that he or she might be entitled to select and locate, and that such selections should be made within six months after the date of the President's proclamation opening the lands so vacated to settlement and entry, and after the same had been surveyed, and when such allotments had been selected and approved by the Secretary of the Interior, the title thereto should be held in trust for the benefit of the allottees, respectively, and afterwards conveyed in fee simple to the allottees or their heirs, as provided under the general allotment act approved February 8, 1887, and the act amendatory thereof, approved February 28, 1891, and providing that such allotted lands should be subject to the laws of eminent domain of the State of Washington, and should only convey in fee simple to the allottees or their heirs, and be subject to taxation as other property in that State.

On the 20th day of February, 1896, the United States mineral laws were extended to the portion of said reservation so vacated and restored to the public domain, as above stated.

The act of July 1, 1898, entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1899, and for other purposes" (30 Stat., 571, at page 593) provides, in relation to the lands in the Colville Indian reservation vacated and restored to the public domain by the act of July 1, 1892 (supra), that—

The Indian allotments in severalty provided for in said act (July 1, 1892) shall be selected and completed at the earliest practicable time, and not later than six months after the proclamation of the President opening the vacated portion of said reservation to selection and entry, which proclamation may issue without waiting for the survey of the unsurveyed lands therein. Said allotments shall be made upon lands

which shall, at the time of the selection thereof, be surveyed, excepting that any Indian entitled to an allotment under said act who has improvements upon unsurveyed land, may select the same for his allotment, whereby the Secretary of the Interior will cause same to be surveyed and allotted to him. At the expiration of six months from the date of the proclamation by the President, not before, nonmineral lands within the vacated portion of said reservation, which shall not have been allotted to Indians as aforesaid, shall be subject to entry, settlement, and disposition under said act of July 1, 1892.

On April 9, 1900, the Commissioner of Indian Affairs and the Commissioner of the General Land Office, respectively, having reported that the provisions of the acts of July 1, 1892, and of July 1, 1898, as to the survey and allotment of said lands had been complied with, I submitted a form of proclamation opening to settlement and entry as provided in said acts, all the nonmineral lands in the north half of the Colville Indian Reservation in the State of Washington, vacated by said acts, except those allotted and reserved for the Indians and for other purposes.

On April 10 said proclamation was issued, fixing October 10 as the date for the opening of said lands to settlement and entry under the provisions of the acts above mentioned, public notice thereof being given through the medium of the press and otherwise; on that date they were so opened, in accordance with the provisions of said acts, under the terms of said proclamation.

PENSIONS.

The report of the Commissioner of Pensions shows that on June 30, 1899, there were 991,519 pensioners borne upon the roll. During the fiscal year ended June 30, 1900, there were allowed 40,645 pensions on original applications, and the number restored to the rolls was 4,699, making a total of new names added to the rolls of 45,344. The pensioners dropped from the rolls during the year by reason of death and all other causes aggregated 43,334, leaving the number remaining on rolls June 30, 1900, 993,529, a net increase of 2,010 as compared with the previous fiscal year, 1899. The pensioners borne upon the rolls on June 30, 1900, are classified as follows, to wit:

Widows and daughters of Revolutionary soldiers	11
Survivors and widows of soldiers of war of 1812	1,743
Survivors and widows of soldiers of Indian wars	5,109
Survivors and widows of soldiers of Mexican war	16,503
General laws:	
Army invalid pensioners	305,980
Army widows, minor children, etc	88,463
Navy invalid pensioners	4,622
Navy widows, minor children, etc	2,314
Army nurses	646

Act of June 27, 1890:	
Army invalid pensioners	415,265
Army widows, minor children, etc	129,412
Navy invalid pensioners	15,392
Navy widows, minor children, etc	6,314
War with Spain:	
Army invalid pensioners	822
Army widows, minor children, etc	845
Navy invalid pensioners	60
Navy widows, minor children, etc	28
Total	993,529

The number of claims adjudicated during the year was 229,720, of which 124,129 were rejections and 105,591 allowances, the latter divided as follows: Original pension claims, 40,645; restorations, 4,699; increase, reissues, and additionals, 44,674; accrued and duplicates, 15,573.

The report of the Commissioner shows that the total number of claims of all classes pending on June 30, 1900, was 437,104, being a reduction of 40,135 claims for the fiscal year, and a reduction of 197,955 claims since June 30, 1898. Of the total number of pending claims only 155,990 are for original pension, and about 40,000 of these are duplicates, leaving about 110,000 claimants who have never received any pension.

The act of February 4, 1899, appropriated $144,000,000 for the payment of Army and Navy pensions. Including repayments to the appropriation ($4,898.90), the sum available for pensions for the fiscal year 1900 was $144,004,898.90.

The amount disbursed for Army pensions during the year was $134,700,597.24 and for Navy pensions $3,761,533.41, a total of $138,462,130.65, leaving an unexpended balance of $5,542,768.25 to be covered into the Treasury, and showing an increase over the previous year's expenditure of $107,077.70.

The salaries and other expenses of the Pension Bureau amounted to $2,571,396.78; the cost of disbursements, fees of examining surgeons, etc., was $1,270,309.96—making the gross expenditure on account of pensions, disbursements, office expenses, clerk hire, etc., $142,303,837.39.

The annual value of the pension roll as it stood on June 30, 1900, was $131,534,544, a decrease of $83,417 in the annual value of the roll from the year preceding. The decrease was brought about mainly by the death of pensioners receiving high rates of pension, and for the same reason the average annual value of all pensions for the fiscal year decreased from $132.74 on June 30, 1899, to $132.39 on June 30, 1900. The annual average value of general-law pensions has increased from $165.70 to $167.53, while the average rate under the act of June 27, 1890, has decreased from $108.99 to $108.28; and the average rate of

pensions granted on account of service in the war with Spain has also decreased from $196.53 to $169.10.

Up to the close of the fiscal year there had been filed 27,047 invalid claims and 3,934 widows' claims, based upon service in the war with Spain, and of these, 926 invalid claims and 888 widows' claims had been allowed.

The total number of original applications for pension filed during the year was 51,964, which number includes 13,421 on account of service in the war with Spain.

The number of pensioners living in foreign countries at the close of the year was 4,526, to whom was paid in pensions the sum of $639,849.23.

The number of special acts granting pensions passed at the first session of the Fifty-sixth Congress was 684.

Six of the 18 pension agencies still occupy leased quarters, at a total annual rental of $12,480. The names of all pensioners residing out of the territory in which they were paid have been transferred to the rolls of the agency district in which they reside, in compliance with the terms of Executive order of May 7, 1877, which directed that all pensioners residing within each separate district shall be paid by the agency located in said district. The work of the agencies is performed with promptness, and work connected with the payment of pensioners is kept well in hand.

The Commissioner reports that the work of the Pension Bureau with respect to original claims for pension is practically current, and states that the adjudication of claims can be greatly facilitated by promptness on the part of claimants and attorneys in furnishing the requisite evidence.

Substantial progress in the adjudication of claims has been made during the past year, and further progress in this direction is expected during the present year.

Attention is again directed to the act of June 7, 1888, which repealed all limitations as to date of filing the application in cases of widows of deceased soldiers and sailors, and made their pensions commence from the date of death of the husband, regardless of the time when the application of pension is filed by the widow. No pension legislation, the Commissioner states, that has ever been enacted has been so fruitful of fraudulent practice as the act of June 7, 1888, and he expresses the opinion that a law which encourages crime and offers inducements for the filing and prosecution of fraudulent claims should not have a place on the statute books.

The soldier who endured the hardships and privations of service receives pension from date of filing his claim, and the same law should apply to claims filed on account of his service and death.

The Commissioner again calls attention to his former recommenda-

tions as to the necessity for a thorough revision of the pension laws with a view of making their operations more uniform in character, and expresses the opinion that a commission should be appointed for that purpose, to the end that the benefits conferred in the way of pensions may be more equitably distributed among the beneficiaries.

The act of April 18, 1900, repealed the provisions of section 4716 of the Revised Statutes, so far as the same may be applicable to the claims for pension of dependent parents of soldiers, sailors, and marines who served during the war with Spain. The effect of this act is to give title to pension in cases where its beneficiaries voluntarily engaged in, or aided or abetted the late rebellion against the authority of the United States, and whose sons have died or may hereafter die as a result of service in the Army or Navy during the war with Spain. While this law will relieve many meritorious claimants, it is believed that the time has come when the provisions of section 4716 should also be repealed in so far as they affect claims filed under the act of June 27, 1890, where the soldier served in the Confederate Army prior to his service in the Army or Navy of the United States.

The act of May 9, 1900, is an amendment of the act of June 27, 1890, and, among other things, provides that in determining the inability of a soldier claimant to earn a support each and every infirmity shall be duly considered and the aggregate of the disabilities shown be rated.

Supplemental instructions have accordingly been issued to examining surgeons for their guidance in the examination of claimants for pension and increase of pension under this act and the reports of medical examinations made under these instructions show a marked improvement in the work of the surgeons in this class of cases.

The act of May 9, 1900, extends the provisions of the act of June 27, 1890, to such widows as are without means of support other than their daily labor and an actual net income not exceeding $250 per year.

Directions have therefore been given to reexamine all claims of widows for pension under section 3 of the act of June 27, 1890, heretofore rejected, and in each instance where the conditions shown warrant the belief that applicant may be entitled to pension under said section as amended May 9, 1900, a blank application is forwarded to the applicant, with definite instructions as to its execution and the evidence required. The same action is taken in pending claims where the conditions shown warrant the belief that under the practice existing prior to May 9, 1900, the claim would have been rejected.

It is believed that under the operations of this act there will be a marked increase in the number of pensioners during the present year and that the annual payments for pensions will be increased by from $3,000,000 to $4,000,000.

The act of August 7, 1882, provides that marriages shall be proven in pension cases to be legal marriages according to the law of the place

where the parties resided at the time of marriage or at the time when the right of pension accrued.

The effect of this law has been to deny claimants, in many instances, the status of legal widowhood, although the equities appear to be in favor of such claimants. It is desirable that Congress so amend the act of August 7, 1882, as to provide for the admission of evidence to prove marriages for pensionable purposes by a standard which will be uniform throughout the entire jurisdiction of the United States.

There is no legislation under which the action of the Commissioner of Pensions or of the Secretary of the Interior, in the allowance or rejection of a pension claim, can be reviewed in the courts, nor is there legislation under which a pension claim can be referred to the courts for adjudication. Congress has provided for the reference to the Court of Claims of claims pending before the several Executive Departments, the decision of which will affect a class of claims or furnish a precedent for the future action of these Departments (Rev. Stat., secs. 1063, 1064, 1065; sec. 2, act of March 3, 1883, 22 Stat., 485, and sec. 12, act March 3, 1887, 24 Stat., 505), but this does not apply to pension claims (Gordon *v.* United States, 26 Ct. Cls., 307; Cole *v.* United States, Ct. Cls., 47). The result is that there is at present no method of obtaining a judicial interpretation of the pension laws, although their administration directly affects many thousand citizens and involves an annual expenditure of millions of dollars of public moneys. The interpretation of these laws has fallen upon the Commissioner of Pensions and the Secretary of the Interior, and the persons succeeding to these offices from time to time, while always acting under the influence of high motives, have not always entertained the same views respecting the purpose and meaning of these laws, and have, in some instances, interpreted them each for himself, according to his judgment and understanding, so that pension decisions, on some questions, are conflicting and difficult to follow. The pension statutes have greatly multiplied, and it has sometimes happened that a new statute has employed ambiguous and uncertain terms or has been enacted without special reference to the body of existing legislation upon that subject, in consequence of which difficult and important questions of law are encountered in the interpretation and administration of the pension laws.

Im my judgment, a matter of this character which so vitally affects the comfort and happiness of so large a portion of our population, and which involves so great an expenditure of public moneys, is worthy of the attention and consideration of our judicial tribunals. If decisions of the Supreme Court could be had upon a limited number of test cases, it would very greatly simplify the work of the Pension Bureau, would inspire confidence in the interpretation of the pension laws, and would lead to uniform action in their administration. It is understood that heretofore there has been objection to referring pension claims to the

courts, for the reason that it would have a tendency to clog and overload the courts and to shift the administration of the pension laws from the executive to the judicial branch of the Government. This objection, however, would seem to be avoided if the number of claims which could be so referred was carefully limited.

To carry into effect my views in the premises, I have transmitted to Congress a form of bill, copy of which is hereto appended (Exhibit A), which has been introduced and is now pending. In my judgment, its enactment as a law would be in the interest of good administration.

In my last annual report I called attention to the necessity for the amendment of existing laws relative to fees of attorneys and agents in pension claims and of the delivery of mail matter to United States pension agents, as follows:

The act of July 4, 1884 (23 Stat. L., 98), and the supplementary acts of March 19, 1886 (24 Stat. L., 5), June 27, 1890 (26 Stat. L., 182), March 3, 1891 (26 Stat. L., 1081), and August 5, 1892 (27 Stat. L., 348), contain provisions regulating the compensation of attorneys and agents for "services in prosecuting a claim for pension," and, subject to certain specified restrictions, clothe the Commissioner of Pensions with a supervision over the allowance of such compensation and direct that, when "such pension * * * claim shall be allowed," such compensation shall be paid by the Commissioner of Pensions directly to the attorney or agent out of the pension money. The manifest purpose of this legislation is to protect pension claimants from unreasonable charges on the part of attorneys and agents engaged in securing the allowance of their claims.

This legislation is, however, limited to regulating compensation for "services in prosecuting a claim for pension," and does not extend to compensation for services rendered in other pension proceedings which do not in themselves constitute the prosecution of "a claim for pension." This has been sharply called to the attention of the Department in different ways. One of these is in connection with the administration of section 4766 of the Revised Statutes and the amendatory act of March 3, 1899 (30 Stat. L., 1379). This section, as amended, relates to the payment of pension money after the claim has been allowed, but has nothing to do with the allowance of the claim itself. It provides for enforcing a division or distribution between a pensioner and his wife or children, in certain enumerated contingencies, of the money accruing upon his pension.

The granting of an application by a wife or children for the division or distribution of such pension money is not the allowance of a pension; does not require the issuance of a pension certificate; will not increase the amount of moneys to be paid by the Government under the pension laws, and will not make the wife or children pensioners. The husband or father, as the case may be, will still be the pensioner, will still hold the pension certificate, and when the contingency which gives rise for the divided payment of the pension money ceases he will be entitled to receive all moneys thereafter accruing upon his pension.

These applications by wives and children are not, therefore, claims for pension within the meaning of the legislation regulating the compensation of attorneys and agents for services in prosecuting claims for pensions, but are only requests for the divided payment of the moneys accruing upon a pension, the claim for which has theretofore been successfully prosecuted to allowance by the husband or father. Such applications are nevertheless proceedings under the pension laws in which the beneficiaries should receive the same protection against unreasonable charges on the

part of attorneys and agents as are otherwise accorded to pension claimants and pensioners. Indeed, the wives or children intended to be benefited by the act of March 3, 1899, are usually less able to protect themselves against such unreasonable charges than are most of the pension claimants who are accorded full protection by the act of July 4, 1884, and the acts supplementary thereto.

Another instance in which it has been shown that the existing legislation regulating the compensation of attorneys and agents is not broad enough occurs in the administration of section 4718 of the Revised Statutes, which provides that where the pensioner or pension claimant dies the accrued pension money shall be paid to the widow or children, if there be such, and, if not, shall be paid by way of reimbursement to "the person who bore the expenses of the last sickness and burial of the decedent in cases where he did not leave sufficient assets to meet such expenses." In the United States district court for the western district of Pennsylvania, in the case of United States *v.* Nicewonger (20 Fed. Rep., 438), it was held that an application for the payment of accrued pension money, as directed in this section, was not a claim for pension within the meaning of the acts regulating the compensation of attorneys and agents.

That Congress has the power to fix the fees of attorneys and agents for services in securing the allowance of a pension, or in procuring the payment, division, or distribution of any pension money, is fully established by the case of Frisbie *v.* United States (157 U. S., 160, 166), but in the absence of such legislation by Congress, or in those instances which are not covered by Congressional legislation, attorneys and agents may demand and receive from the claimants or applicants such compensation for their services as may be agreed upon. This is shown by the opinion of Mr. Justice Brewer in United States *v.* Kock (21 Fed. Rep., 873), where it is said:

"In the absence of a statute prohibiting it, any man may contract for his services. He is not bound to render them; and, rendering them, he may charge the person seeking those services such fee as they may agree upon."

Under these circumstances I earnestly recommend that the existing legislation regulating the compensation of attorneys and agents for services in pension matters be so amended as to provide that no compensation whatever shall be paid to them directly or indirectly for any service in connection with any claim or proceeding under the pension laws, except such as may, within certain limits fixed by Congress, be allowed by the Commissioner of Pensions and paid from the pension money, as now provided with respect to "claims for pension."

FREE DELIVERY OF PART-PAID MAIL MATTER TO UNITED STATES PENSION AGENTS.—The act of Congress approved July 5, 1884 (23 Stat. L., 158), provides, section 3:

"That section twenty-nine of the act of March third, eighteen hundred and seventy-nine (United States Statutes at Large, page three hundred and sixty-two), be, and it is hereby, amended so as to read as follows:

"The provisions of the fifth and sixth sections of the act entitled 'An act establishing post routes, and for other purposes,' approved March third, eighteen hundred and seventy-seven, for the transmission of official mail matter, be, and they are hereby, extended to all officers of the United States Government, not including members of Congress, the envelopes of such matter in all cases to bear appropriate indorsements containing the proper designation of the office from which or officer from whom the same is transmitted, with a statement of the penalty for their misuse. And the provisions of said fifth and sixth sections are hereby likewise extended and made applicable to all official

mail matter of the Smithsonian Institution: *Provided*, That any Department or officer authorized to use the penalty envelopes may inclose them with return address to any person or persons from or through whom official information is desired, the same to be used only to cover such official information and indorsements relating thereto: *Provided further*, That any letter or packet to be registered by either of the Executive Departments or bureaus thereof, or by the Agricultural Department, or by the Public Printer, may be registered without the payment of any registry fee, *and any part-paid letter or packet addressed to either of said Departments or bureaus may be delivered free; but* where there is good reason to believe the omission to prepay the full postage thereon was intentional such letter or packet shall be returned to the sender: *Provided further*, That this act shall not extend or apply to pension agents or other officers who receive a fixed allowance as compensation for their services, including expenses of postage. And section thirty-nine hundred and fifteen of the Revised Statutes of the United States, so far as the same relates to stamps and stamped envelopes for official purposes, is hereby repealed."

The act of Congress approved July 2, 1886 (24 Stat. L., 122), "making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1887, and for other purposes," provides, section 4:

"For the salaries of eighteen agents for the payment of pensions, at four thousand dollars each, seventy-two thousand dollars; and hereafter the provisions of section three of the act approved July fifth, eighteen hundred and eighty-four, entitled 'An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and eighty-five, and for other purposes,' are *hereby extended and made applicable to all official mail matter of agents for the payment of pensions.*"

Recent application was made to the Postmaster-General to cause to be delivered to the various pension agents in the United States all short-paid mail matter addressed to them without collecting the deficiency in postage, but he expressed the opinion that, under existing law, there was no authority to enable him to comply with such request. Inasmuch as the several agents for the payment of pensions are now required to pay short postage from the appropriation for contingent expenses of pension agencies, I have the honor to recommend that Congress so amend the existing laws relating to postal affairs as to extend to the pension agencies the privilege conferred by the act of July 5, 1884, on the Executive Departments or bureaus thereof, of having delivered free any part-paid letter or packet addressed to said pension agencies.

No action having been taken by Congress at its last session on the foregoing recommendations, I therefore renew the latter with a view to the early enactment of the remedial legislation desired.

There has been disbursed on account of pensions and expenses incident to the execution of the pension laws, from 1866 to 1900, inclusive, the sum of $2,612,327,648.91. The disbursement by years for such purposes, together with the number of pensioners on the rolls each fiscal year since July 1, 1865, is shown in the following table.

Statement showing disbursements for pensions, fees of examining surgeons, cost of disbursement, salaries, and other expenses of the Pension Bureau, and the number of pensioners on the rolls each year since July 1, 1865.

Fiscal year.	Disbursements for pensions.		Fees of examining surgeons.	Cost of disbursement, maintaining pension agencies.	Pension Bureau.		Number of pensioners on rolls.
	Army.	Navy.			Salaries.	Other expenses.	
1866	$15,158,598.64	$291,951.24	.....	[1] $155,000.00	$237,165.00	$15,000.00	126,722
1867	20,552,948.47	231,841.22	.....	[1] 155,000.00	308,361.49	27,615.86	155,474
1868	22,811,183.75	290,325.61	.....	[1] 155,000.00	366,186.20	31,834.14	169,643
1869	28,168,323.34	344,923.93	.....	[1] 155,000.00	366,007.31	43,519.50	187,963
1870	29,043,237.00	308,251.78	.....	216,212.86	333,660.00	51,125.00	198,686
1871	28,081,542.41	437,250.21	.....	431,720.03	372,378.97	58,980.00	207,495
1872	29,276,921.02	475,825.79	.....	457,379.51	436,315.71	57,557.78	232,189
1873	26,502,528.96	479,534.93	.....	456,323.99	456,021.26	90,855.39	238,411
1874	29,603,159.24	603,619.75	.....	447,693.17	444,052.24	75,048.72	236,241
1875	28,727,104.76	543,300.00	.....	444,074.79	464,821.21	73,799.35	234,821
1876	27,411,309.53	524,900.00	.....	447,702.13	468,577.80	98,798.88	232,137
1877	27,659,461.72	523,360.00	$66,824.42	455,270.05	445,262.08	67,102.78	232,104
1878	26,251,725.91	534,283.53	234,968.26	313,194.37	443,096.56	41,240.90	223,998
1879	33,109,339.92	555,089.00	86,538.50	208,851.24	493,255.70	54,088.70	242,755
1880	55,901,670.42	787,558.66	75,547.00	221,926.76	582,517.84	55,035.68	250,802
1881	49,419,905.35	1,163,500.00	116,737.00	222,295.00	686,565.45	46,462.14	268,830
1882	53,328,192.05	984,980.00	232,595.87	234,544.37	868,113.92	130,981.85	285,697
1883	59,468,610.70	958,963.11	341,186.49	285,620.29	1,723,285.68	241,555.83	303,658
1884	56,945,115.25	967,272.22	262,066.32	303,430.61	1,936,161.65	333,522.42	322,756
1885	64,222,275.34	949,661.78	482,181.13	275,976.55	2,122,926.54	511,492.12	345,125
1886	63,034,642.90	1,056,500.00	492,714.76	294,724.14	1,948,285.80	509,291.91	365,783
1887	72,464,236.69	1,288,760.39	1,106,324.92	248,280.42	1,968,599.66	430,195.91	406,007
1888	77,712,789.27	1,237,712.40	845,143.61	263,109.87	1,986,027.55	420,776.24	452,557
1889	86,996,502.15	1,846,218.43	787,391.72	278,902.20	1,978,119.98	422,554.50	489,725
1890	103,809,250.39	2,285,000.00	895,677.62	292,697.35	1,957,725.43	380,281.73	537,944
1891	114,744,750.83	2,567,939.67	1,640,993.76	380,360.14	2,301,721.80	377,560.74	676,160
1892	135,914,611.76	3,479,535.35	1,725,597.47	500,122.02	2,494,122.87	178,823.44	876,068
1893	153,045,460.94	3,861,177.00	1,657,628.30	519,292.95	2,460,044.50	230,768.67	966,012
1894	136,495,965.61	3,490,760.56	672,678.50	517,430.37	2,403,522.75	370,344.69	969,544
1895	136,156,808.35	3,650,980.43	807,767.33	563,449.86	2,461,890.50	504,912.52	970,524
1896	134,632,175.88	3,582,999.10	672,587.47	565,027.85	2,258,959.35	494,800.94	970,678
1897	136,313,914.64	3,635,802.71	678,395.44	572,439.41	2,262,597.70	474,350.52	976,014
1898	140,924,348.71	3,727,531.09	894,249.08	536,629.84	2,254,181.40	429,031.14	993,714
1899	134,671,258.68	3,683,794.27	1,007,636.76	522,496.49	2,151,578.85	465,805.63	991,519
1900	134,700,597.24	3,761,533.41	747,497.80	522,812.16	2,135,542.55	435,854.23	993,529
Total	2,473,260,467.82	55,112,637.57	16,530,929.53	12,614,990.79	46,577,653.30	8,230,969.90	.....

[1] Approximate.

The disbursement of $435,854.23, on account of "other expenses" of Pension Bureau, includes $74,033.76 for stationery, printing and binding, repairs to Pension building, and contingent expenses. The statement of years prior to 1899 does not include these items. The disbursement on account of Army and Navy pensions from July 1, 1790, to June 30, 1865, is $96,445,444.23.

PENSION APPEALS.

Appeals in pension claims lie from the decisions and rulings of the Commissioner of Pensions to the Secretary of the Interior.

These appeals are considered by the board of pension appeals under the personal supervision of the Assistant Secretary. They relate to the adverse action of the Commissioner of Pensions in claims for pension and bounty land, to questions of attorneyship and fees in pension cases, and to the rules of practice.

There were, on the 1st of July, 1899, 13,802 appeals of all classes pending; during the fiscal year ended June 30, 1900, there were 8,185 cases filed and 6,123 disposed of—an increase in disposals over the previous year of 495, leaving 15,864 appeals of all classes pending on the 1st of July, 1900.

THE PATENT OFFICE.

The report of the Commissioner of Patents upon the business of the Patent Office for the fiscal year ended June 30, 1900, shows that there were received within that year 39,815 applications for mechanical patents, 2,263 applications for designs, 90 applications for reissues, 1,739 caveats, 2,103 applications for trade-marks, 872 applications for labels, and 127 applications for prints. There were 26,540 patents granted, including reissues and designs; 1,660 trade-marks, 682 labels, and 93 prints were registered. The number of patents that expired was 19,988. The number of allowed applications which were by operation of law forfeited for nonpayment of the final fees was 4,052. The total receipts of the office were $1,358,228.35; the total expenditures were $1,247,827.58, and the surplus of receipts over expenditures, being the amount turned into the Treasury, was $110,400.77.

Applications for patents, including reissues, designs, trade-marks, labels, and prints.

June 30—		June 30—	
1891	43,616	1896	45,645
1892	43,544	1897	47,747
1893	43,589	1898	44,216
1894	39,206	1899	40,320
1895	41,014	1900	45,270

Applications awaiting action on the part of the office.

June 30—		June 30—	
1891	8,911	1896	8,943
1892	9,447	1897	12,341
1893	8,283	1898	12,187
1894	7,076	1899	2,989
1895	4,927	1900	3,564

Notwithstanding the fact that the number of applications for patents, trade-marks, etc., received during the last fiscal year was 5,000

greater than during the preceding year, and the number of amendments acted upon was also correspondingly greater, the examination work of the office is in the same satisfactory condition that it was at the close of the fiscal year ended June 30, 1899. Thirty of the thirty-six examiners had their new work within one month from the date of filing, and of the remaining six, three overran that time but by one day.

The amended work in nearly all of the divisions was being acted upon within fifteen days after filing.

The work of the clerical divisions had been well kept up to date, and was in a satisfactory condition.

The work of the classification division has continued, and, while the amount accomplished is not perhaps as great as was hoped for, yet it is but fair to say that with the additional room and force found possible to recently give to this division, more rapid advance will from this time on be made.

Of the various divisions of this bureau the scientific library alone has not received the attention which it deserves. This library consists of over 70,000 bound volumes, and a conservative estimate of its value is $200,000. It would, however, be impossible even with this amount, or with any sum, to replace the library should it be destroyed by fire. Many of the most valuable works contained in the library are out of print. Our books are not now safely stored, and while in this building it is impossible to wholly protect them from fire, yet much might be done in this line by the use of steel stacks, which are now in common use in every modern library building.

The library having outgrown its present quarters, it is intended to change the location as soon as suitable rooms can be prepared. This, therefore, is the proper time for using ordinary precautions to insure the safety of our books. The Commissioner therefore most urgently requests that a sufficient sum may be appropriated for the purchase and erection of steel stacks, which from the provisional estimates he has obtained would cost but a small sum more than the ordinary wood shelving now in use, and which must be added to upon the removal of the library to its new quarters. It seems almost to be a crime to omit to provide such a simple and comparatively inexpensive means for minimizing the danger from fire.

The Commissioner recommends general legislation looking to limiting the number of appeals in merit and interference cases. He states that under the present statutes, if an application is rejected by the principal examiner, an appeal lies to the board of examiners-in-chief, and from that tribunal to the Commissioner of Patents in person, and from him to the court of appeals of the District of Columbia.

In interference proceedings the appeals are the same, save that the first appeal is from the examiner of interferences. These various

appeals necessarily delay the issue of patents, whereby the rights of the public are prejudiced, in that the monopoly does not begin to run until the actual issue of patent. The applicants for patents are put to heavy expense, which to many are a grievous burden.

He suggests an amendment to the statutes by which the board of examiners in chief be abolished, and that in their place and in the place of the present Assistant Commissioner there be three assistant commissioners appointed who, together with the Commissioner, shall be persons of competent legal knowledge, scientific ability, and well versed in patent law, and shall hear all appeals from the primary examiner and examiner of interferences. The Commissioner, with any two of the assistant commissioners or the three assistant commissioners, shall have the power to review and determine upon all adverse decisions made by the principal examiners upon applications for patents and for reissue patents, and of the decisions of the examiner of interferences on all questions relating to priority of invention. Such a system will lead to an early decision of the question, limit the number of appeals (thereby relieving inventors from an unnecessary burden), and will end the anomalous condition which now exists, in that one person, the Commissioner of Patents, reviews the decisions made by a board composed of three. Under the present statutes the decisions of the board of examiners in chief have not that force and effect that they ought, for the reason that all their decisions are not final and are largely treated in "merit" cases as only applying to the case in hand. The assistant commissioners should be appointed for a definite term of years—say six (the first appointments, however, to be respectively for two, four, and six years).

While the question of politics manifestly should not, and does not to any extent, enter into the conduct of the Patent Office, yet in order to overcome any objections that might be offered on that score, provision might be made that not more than two of them should be appointed from the same political party.

In view of the fact that aside from the judicial duties of the Commissioner he has to perform executive duties, it may be urged that he should be in harmony with the Administration, and therefore it may be thought best that no change in the manner of his appointment be made.

The Commissioner also calls attention to the fact that under the present statutes an application can be kept alive in the Patent Office for an indefinite number of years, although there is no good reason why at least 90 per cent of all patents can not be issued within one year after filing applications therefor. The practice of keeping applications pending in the Patent Office is, in his opinion, reprehensible, as it certainly does not promote the progress of invention, but rather tends to stifle it. If an application does not become involved in an

interference, it should not be permitted to remain in the Patent Office more than three years without abridging its life of seventeen years. Were it not for the number of appeals all interferences could be disposed of within that time. To meet any case of unusual hardship, discretion might be lodged with the Commissioner of Patents to extend the proposed limit of three years.

The Commissioner also calls attention to the fact that in your annual message of December 5, 1899, you say:

> Our future progress and prosperity depend upon our ability to equal, if not to surpass, other nations in the enlargement and advance of science, industry, and commerce. To invention we must turn as one of the most powerful aids to the accomplishment of such a result.

Aided by such friendly expressions, our inventors hopefully look to Congress for further aid and encouragement in improving the American patent system.

THE TWELFTH AND PRIOR CENSUSES.

The report of William R. Merriam, the Director of the Twelfth Census, shows that the preliminary work incidental to the taking of the Twelfth Census was continued with great activity up to June 1, 1900, the time fixed by law for the commencement of the enumeration; that 297 supervisors were to be appointed, commissioned by the President and confirmed by the Senate, during the months of December, 1899, and January, 1900. As soon as possible after confirmation instructions as to their duties were issued, especially in regard to securing competent enumerators. Each enumerator was required to fill out the usual form of the population schedule as a test of his capacity to perform the duties required. About 300,000 applications for positions as enumerators were received. After an examination of the test schedules 53,173 enumerators were finally selected, duly commissioned, sworn in, and were ready for duty on the day set by law for the commencement of the enumeration. Great difficulty, however, was experienced in obtaining properly trained men to assume the duties incident to the field work.

With the exception of certain cities, placed in the hands of special agents for the purpose of gathering manufacturing statistics, all of the information relative to population, agriculture, vital statistics, and manufactures, is obtained through the medium of the enumerators; hence the practical results of the entire undertaking are dependent largely on the character and efficiency of those engaged in collecting the basic facts.

The results of the field work of the Twelfth Census, the Director states, have been in the main satisfactory, in view of the system employed. He suggests, however, that if a complete system of registration areas could be established in all parts of the country and the

same be properly enforced, a plan might be devised for the collection of statistics which would be far preferable to the one now in use.

The field work has been practically finished and all the data collected by the supervisors and enumerators is in process of tabulation. The count of the population of the United States, including the Territory of Hawaii and the District of Alaska, has been completed and the office force is now engaged in carefully verifying the figures.

In the last census complaint was made by certain enumerators that the compensation paid them was too small for the service rendered. In order to avoid any such charge in this census, an endeavor was made to adjust the rates so that each enumerator would receive, at least, an average of $3 per diem for each day employed—the average sum paid the enumerators in the Eleventh Census was $55.28, and in the Twelfth Census about $65. Owing to the method of handling the accounts established by the act of March 3, 1899, the liabilities of the enumerators have been discharged this year with more promptness than heretofore.

In the enumeration of the larger municipalities of the country, every precaution was taken to insure a thorough canvass of each city, in order to avoid complaints concerning the correctness of the population returns. Supervisors were accordingly allowed to employ special agents to assist in supervising the work of the enumerators in large cities, and in addition there was used what has been termed a street book. The use of such a book is an innovation in census work. In certain great cities of the country the street book was compiled from insurance maps, and in other cities it was prepared by the enumerators. The object of the book was to enable the enumerator in each city district to make a record of the houses and buildings visited by him each day, the number of families and persons found in each house or building, and date visited; and on the other hand, if no persons were found in any house or building, to enable him to indicate the same. By means of the street book, therefore, the enumerator was required to account for each and every house, building, or place of abode of whatever kind within the limits of his enumeration district, the record being in such form as to permit of easy verification of the house to house canvass. The total cost of the street books was $110,873.55.

Examinations for clerical positions in the office were held in a number of large cities throughout the country, extending over a period of fifteen months. The total number examined was 6,439, of whom 3,573 passed and 2,866 failed. The total cost of the series of examinations, including the salary of the chief examiner and his assistant, traveling expenses, etc., was $8,611.08. This amount represents an expense of $1.36 for each person examined, or $2.44 for each person now on the eligible list. Three thousand four hundred and seventy-four persons were employed in the Census on the 31st day of

October, 1900. The balance of the appropriation available for census purposes on that day was $3,618,189.43. It is estimated that $3,878,620 will be required for the carrying on of the Twelfth Census during the fiscal year ending June 30, 1902. The work in the five statistical divisions of the office is making satisfactory progress, and in all probability the general census reports will be published within the time prescribed by law, namely, by July 1, 1902.

Appended to the report is a statement made in advance of the official announcement in bulletin form, giving the population of the United States in detail for each State and organized Territory, and for Alaska and Hawaii, as finally revised. The total population of the United States in 1900, as shown therein, is 76,304,799, of which 74,610,523 persons are contained in the 45 States, representing the population to be used for apportionment purposes. The statement also shows a total of 134,158 Indians not taxed, of which 44,617 are found in certain of the States, and which are to be deducted from the population of such States for the purpose of determining the apportionment of Representatives in Congress.

The total population in 1890, with which the aggregate population at the present census should be compared, is 63,069,756, comprising 62,622,250 persons enumerated in the States and organized Territories at that census, 32,052 persons in Alaska, 180,182 Indians and other persons in the Indian Territory, 145,282 Indians and other persons on Indian reservations, etc., and 89,990 persons in Hawaii, this last-named figure being derived from the census of the Hawaiian Islands taken as of December 28, 1890. Taking this population for 1890 as a basis, there has been a gain in population of 13,235,043 during the ten years from 1890 to 1900, representing an increase of very nearly 21 per cent.

No provision was made by the census act for the enumeration of the inhabitants of Porto Rico, but a census for that island, taken as of October 16, 1899, under the direction of the War Department, showed a population of 953,243.

PREVIOUS CENSUSES.

The records of the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, and Tenth censuses, inclusive, are substantially bound in book form and stored in the Patent Office building, and those of the Eleventh Census, which as yet have not been bound, are now in a building known as Marini's Hall, on E street between Ninth and Tenth NW., in this city, leased for that purpose. During the year the population schedules of the census of 1790 have been carefully indexed, and similar work is now in progress on the census for 1800; in addition, the attention and care necessary for the preservation of these valuable records of the population of the country

have been given, and information compiled therefrom has been supplied to various applicants throughout the United States. The population and other schedules of the Eleventh Census are unbound, and in their present condition require the exercise of the greatest care in handling to prevent mutilation or loss. In my last annual report I adverted to this subject and suggested the advisability of an appropriation by Congress of a suitable sum to provide for the binding of these records, and subsequently submitted to Congress a special estimate of $15,000 for such purpose, but no actionwas taken by that body in the matter.

In October of 1894, the Commissioner of Labor, in charge of the Eleventh Census, in referring to the condition of the population schedules of that census, stated:

> While in my annual report I stated that provision should be made for the perma nent binding of the schedules of the Eleventh Census, to conform to the custom of the past, I am satisfied that the expense for doing this can be saved, and properly so. The schedules of the Eleventh Census, especially those relating to the population, being based on family instead of groups of families, increases the bulk to a very great extent. To bind them (about 18,000 volumes), therefore, would cost a matter of $30,000. To bind these up into packages properly wrapped and labeled would accomplish every purpose. I have therefore come to the conclusion that no recommendation need to be made for appropriation for this purpose; that all the schedules and archives of the census can be put away in proper shape under such further appropriations as Congress will undoubtedly make for the completion of the Eleventh Census.

Subsequently to this report the schedules in question were, under the direction of the Department, grouped numerically by supervisors, and enumerators' districts, made up in packages, placed between cardboard covers, and tied up with twine. They were then piled flat in racks, and remain in that condition to the present time. Subsequent experience has demonstrated that the adoption of this method of providing for the care of these population schedules in lieu of permanent binding to have been unwise. The arrangement of these schedules by districts, as above stated, conveys no idea of locality, and this, together with the arrangement in racks, makes it practically impossible, except with great loss of time and labor, to refer to the returns from any particular place without going through the whole contents of a rack, untying and examining the sheets. It has frequently been necessary to examine from thirty to forty of these packages or portfolios in order to find a certain address, whereas if bound the possibility of mutilation or loss of family schedules would be reduced to a minimum and the contents of each bound volume could be readily ascertained from the back-title lettering thereon.

So many requests are being received for permission to examine these public records, for excerpts therefrom, and certified copies of family schedules, for use in the courts and elsewhere, that in my judgment the time has arrived when in order to facilitate their handling and to

properly accommodate the public interested therein they should be provided with suitable permanent bindings, and I have to recommend that Congress appropriate $15,000 for the arrangement and binding of the population schedules of the Eleventh Census.

Existing laws make no provision for the exaction of a fee for furnishing copies, certified or otherwise, of the records of the Department other than those relating to the Patent Office and to the General Land Office. A large amount of money is annually lost to the Gov ernment by reason of the absence of such legislation, and I therefore recommend the enactment of a law by Congress authorizing the Secretary of the Interior, in his discretion, to charge a fee of 10 cents a hundred words for copies, certified or otherwise, of the public records in all cases where such authority is not conferred by existing law.

THE GEOLOGICAL SURVEY.

The work of the Geological Survey during the year, prosecuted under a plan of operations approved by me May 3, 1899, was mainly a continuation of that described in my last annual report, and in a general way similar results were reached, which added materially to the sum of geologic and geographic knowledge.

GEOLOGIC BRANCH.—In the geologic branch 32 parties carried forward investigations in 30 States and Territories, including Alaska and the Philippine Islands. Besides the general work in geology, which was actively prosecuted, special studies were made in the Lake Superior iron region, the Arkansas and Indian Territory coal fields, the southern Black Hills with special reference to underground waters, the Butte and Elkhorn mining districts of Montana, and the Silverton and Rico districts of Colorado. Explorations were continued in Alaska by two parties, and in the Philippine Islands one of the geologists of the Survey made such investigations as the military conditions permitted. He was able to visit the coal deposits at Mount Uling (Coal Mountain), on the island of Cebu, one of the chief mineral regions of the archipelago. Reports on the Alaskan and Philippine explorations appear in Parts II and III of the Twenty-first Annual Report of the Bureau. In the latter part of April four parties started for Alaska, for work chiefly in the Copper River and Cape Nome districts and the extension of the latter.

As usual, the paleontologists were engaged largely in assisting the geologists in the determination and correlation of geologic formations. Among the special investigations made was one of the petrified forests of Arizona, for the purpose of obtaining information bearing on the proposition to set aside that region as a national park. A report on this investigation was prepared and published by the Department as a special document.

Most of the time of the chemists was necessarily devoted to analyses of rocks and ores for the information of the geologists. Opportunity was found, however, for special researches, and some of these led to unusually interesting and valuable results. They are described in the Director's report.

HYDROGRAPHIC DIVISION.—The hydrographic work of the survey during the year was in direct continuation of that of previous years, being in pursuance of a comprehensive plan, and consisting of the measurement of streams in all parts of the country, the investigation of underground and artesian waters, and the preparation and publication of reports embodying the results of these activities. So great has been the demand from all sections of the country for an increase of the hydrographic work that Congress at its last session deemed it wise to make a substantial increase in the appropriation for this work.

IRRIGATION.—The subject of the reclamation and utilization of the arid public domain has received more attention during the last year than at any previous time. A large correspondence in relation thereto has arisen in those bureaus of the Department which have to do with facts bearing upon the water supply, the location of reservoir sites, and the methods and cost of bringing water to the arid land. The interest of the public has been manifested in a practical way by the formation in different parts of the country of associations designed to promote the examination of the resources of the country in its waters and forests. Large sums of money have been subscribed for the dissemination of information concerning these matters and for cooperating with various bureaus, notably the Geological Survey. The appropriation for the division of hydrography, in this bureau, was increased by the last Congress from $50,000 to $100,000. A still further increase, to an amount commensurate with the importance of the subject, is being urged by the citizens who have contributed their funds to the furtherance of this work.

Developments of irrigation have proceeded almost wholly along the line of building small individual or cooperative ditches. The opportunities for extending and multiplying these are, however, limited, as the lands most easily accessible for water supply have already passed into the possession of individuals. There remain large bodies of public land for which water can be obtained only at great expense, although the cost per acre may not exceed that of the small systems. Further extension of the irrigable area depends upon the building of great storage reservoirs and of canals to take water from the larger rivers. Progress in the construction of these large works of reclamation has come practically to a standstill, as it has been found by experience and shown by statistics that these reclamation works are not a source of individual profit. Capital has been induced to undertake the construction of such works in different parts of the West, but almost without exception

these have been financial failures, while the small cooperative ditches built by the land owners have, on the other hand, been of great advantage to the communities and to the States, as well as to the nation; but it is improbable that investors will continue these as philanthropic enterprises. The cause of financial failure with these large works has been the fact that the owners can not secure to themselves the increase in value which has accrued directly or indirectly through the building of the works. In some respects the case is comparable to that of a city whose harbor has been improved. The land values are increased, but the work, if carried on by private enterprises, may not be remunerative to the builders.

The importance of providing, through wise administration, the opportunities for homes for many millions of citizens is so great that some steps should be taken toward completing our knowledge of the extent to which the arid lands may be redeemed, and putting this knowledge to practical application. As a step in this direction the recommendation has been made that the amount allotted for work of this character under the Geological Survey be increased considerably. As a further step a commission, composed of experts now engaged in various lines of examination of water and forest resources, should be formed, to assemble and digest the data acquired by the various bureaus, and present these recommendations to Congress. The question of irrigation has passed beyond the experimental stage, and both theory and practice have demonstrated the necessity of the reclamation of the vast quantities of arid land now neglected, which, as was once said about Australia, will "if tickled with a straw be taugh to laugh a harvest," the straw in this instance being water. The establishment of a division having charge of matters relating to irrigation is now under consideration.

MINERAL RESOURCES.—The division of mineral resources collected the statistics of the metallic and nonmetallic products of the country for the calendar year 1898, and published them with commendable promptness, first as separate advance pamphlets and later combined into one of the parts of the Twentieth Annual Report. The remarkable activity in recent years in the coal and iron industries has made especially interesting to the public the complete reports of these subjects published by this division.

In my report for last year special attention was called to the desirability of organizing in the Geological Survey, by statute, a division of mines and mining, the purpose being to increase the scope of the work of the division of mineral resources, which was already well organized, by authorizing the collection of figures of the production of gold and silver and of data concerning labor and wages in the mining industries. While the organization desired was not authorized by Congress, the appropriation for the division of mineral resources was

increased sufficiently to warrant the expansion of the work so that it should include the collection of the statistics of gold and silver, separating the products won by placer mining and by deep or vein mining, which will be a feature of the next report on the mineral resources. It will be possible, also, under the present appropriation to do considerable work in identifying and classifying the undeveloped useful mineral deposits of the country. The name of the division has therefore been changed from the division of mineral resources to the division of mining and mineral resources, to indicate its increased scope.

The total value of the mineral products of the United States in 1899, as shown by the work of this division, was $980,469,500—the largest output ever attained by any country—as compared with $697,820,720 in 1898, a gain of $282,648,780, or 40 per cent. About one-half of this great increase was contributed by the coal and iron industries. In 1880 the total value of our mineral products was $367,317,000, and in 1889 it was $559,870,845.

TOPOGRAPHIC BRANCH.—The topographic branch was required, by legislation, to locate and mark the ninety-eighth meridian, between Canadian and Red rivers; also, by my direction, to examine the boundary lines of the Yakima Indian Reservation; and it continued and completed the survey of the Idaho-Montana boundary line. Of the regular topographic mapping, 29,428 square miles, in 25 States and Territories, were completed within the year. The survey of the forest reserves progressed satisfactorily. Out of a total area of 71,697 square miles in the reserves, 22,783 square miles have now been surveyed and mapped, and, in addition, 10,759 square miles outside of but adjacent to the reserves; 46,624 square miles within and adjacent to reserves have been triangulated, and 2,052 miles of boundary lines have been run. The examination of the timber in the reserves with a view to learning its amount, distribution, and character, and its value for various purposes, together with the study of the best methods of administration, was well advanced in the several reserves.

PUBLICATIONS.—The publications of the Survey consist of several series—annual reports, monographs, bulletins, water supply, and irrigation papers, geologic folios, and topographic folios, and atlas sheets. During the year 171,091 volumes, 20,634 folios, and 342,645 topographic maps were distributed. Besides these there was prepared and published a preliminary report on the Cape Nome gold region, Alaska, of which a large number of copies were distributed.

EDUCATION.

The Commissioner in his report presents some interesting data on the progress of education in the United States and its dependencies. The grand total in all schools—elementary, secondary and higher. pub-

lic and private—for the year ended July 1, 1899, was 16,738,362, of which the number enrolled in the common schools, elementary and secondary, was 15,138,715. Twenty and one-half per cent of the entire population was enrolled in the public elementary schools and high schools. The number of students in colleges and universities is given as 103,251; schools of medicine, law, and theology, 55,134; normal schools, 68,380; the value of public school property is estimated at $524,689,255; amount of current receipts raised from State taxes, $36,197,338; from local taxes, $143,371,150; income from permanent funds, $9,019,375; other sources, $15,429,749; total receipts being $204,017,612. The amount expended for sites, buildings, furniture, etc., is reported to be $33,249,949; teachers' salaries, $128,662,880; other expenditures, 35,368,774; total, excluding payment of bonds, $197,281,603.

A large amount of work has been accomplished by the several divisions of the Bureau during the year. The number of statistical schedules of various kinds sent out was 44,654 as against 38,094 during the previous year.

The total number of books received, entered, catalogued, and numbered by the library was 3,052; the number of pamphlets and books in the library was 81,872.

The Bureau during the fiscal year published three valuable monographs, as follows: "Higher education in New Jersey," "Higher education in Kentucky," and "Higher education in Mississippi." The following reprints were issued: "Promotions and examinations," and "Rules for a dictionary catalogue." The demand for the latter circular of information was quite large, owing to the increase of libraries and library workers in the United States. Among the interesting papers on education published in the Annual Report for 1898–99 is Dr. A. D. Mayo's "Common schools in the United States from 1830 to 1865;" and reference is made to detailed statistics and data in the same volume relating to education in this and foreign countries.

Considerable delay in the preparation of this report results from the fact that statistics of the common-school system of the United States can not be obtained until after the close of the school year, some time in June.

Education at the Paris Exposition of 1900 was not neglected. Miss Anna Tolman Smith, of the Bureau, was detailed for a period of three months to study and report upon the educational exhibits at the Exposition, but more especially to serve as a juror respecting the exhibit of elementary education.

EDUCATION IN ALASKA.—During the year there have been maintained in Alaska 25 public schools, of which 5 have been established during the fiscal year 1900, with 29 teachers and an enrollment of 1,723. The large access of population into the region of Cape Nome has necessi-

tated the creation of the position of superintendent of schools for the Cape Nome district. Owing to the increased attendance, it has been necessary to enlarge the school buildings at Kodiak and Unalaska and to send additional teachers to those places. In several sections of Alaska there have been requests for night schools for adult natives; at Wood Island it has been possible to comply with such request, with excellent results.

By section 203 of title 111 of the act of Congress making further provision for a civil government for Alaska, approved June 6, 1900 (31 Stat., 321), 50 per cent of the license moneys collected within the limits of each incorporated town in Alaska is returned to it for school purposes. Only three towns in all Alaska, Skaguay, Juneau, and Ketchikan, have so far availed themselves of the provisions of this section by incorporation. The providing of adequate school facilities for the increasing population of the older towns and for the new ones which are springing up in all sections of Alaska remains, for the present, the duty of the Bureau of Education. The Congressional appropriation for education in Alaska is entirely inadequate. Inasmuch as the license money received from all of the towns and villages in Alaska (with the exception of the incorporated towns) is now covered into the United States Treasury, such legislation is urgently recommended as will set aside 50 per cent of the license money received from Alaska, outside of incorporated towns, to be expended for school purposes in Alaska, under the direction of the Secretary of the Interior. This would extend to the entire population of Alaska the same educational advantages as are now possessed by the three incorporated towns.

INTRODUCTION OF REINDEER INTO ALASKA.—In the use of reindeer as a means of industrial education adapted to northwestern Alaska two objects have been kept in view: (1) The furnishing of a permanent food supply for the Alaskan natives, and (2) the training of the natives as herders and teamsters.

Pursuing the policy of distribution which was adopted at the outset, 1,159 reindeer are now the personal property of 19 Eskimos who have learned the care and management of reindeer by five years' apprenticeship at the Government reindeer stations, and the thoroughness of their training as teamsters has been practically demonstrated.

In order to furnish the miners in the Cape Nome region with mail service during the winter, the Post-Office Department entered into contract with the superintendent of the reindeer station at Eaton for carrying the mail during the winter of 1899 and 1900; semimonthly between Nome and Eaton, and bimonthly between St. Michael, Golovin, and Kotsebue. This service was successfully performed, the reindeer having sometimes made the round trip of 480 miles in twelve days between Eaton and Nome.

The presence of soldiers being required to preserve order in the

Golovin Bay region, in compliance with the request of Capt. E. S. Walker, commanding the detachment at Fort St. Michael, in February, 1899, troops, with their tents, rations, and camp equipage, were transported with reindeer from St. Michael to Golovin Bay by employees of the Eaton reindeer station. The total number of domestic reindeer in Alaska June 30, 1900, was 3,462, of which 1,092 are the property of the Government.

AGRICULTURAL AND MECHANICAL COLLEGES.—By an act of Congress approved August 30, 1890 (26 Stat. L., 417), an annual appropriation of $15,000 for the year ending June 30, 1890, and $1,000 additional for each subsequent year until said annual appropriation amounts to $25,000, was made "for the more complete endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts," established in accordance with the provisions of an act of Congress approved July 2, 1862. Said act requires annual reports to be made to the Secretary of the Interior by the treasurers and presidents of the institutions receiving the benefits thereof and imposes upon the Department the duty of ascertaining whether the respective States and Territories are entitled to receive the annual installments of the fund.

During the year the reports from the treasurers of the colleges giving instruction in agriculture and the mechanic arts were carefully examined and the disbursements accounted for therein were found to have been in strict conformity with the law.

The statistics for the year ended June 30, 1899 (the latest available), of the institutions endowed by the act of August 30, 1890, show that there were in attendance during the year in the agricultural and mechanical departments 21,920 students. Of this number 6,248 were enrolled in preparatory departments, leaving 15,672 students in the regular college departments. Of the latter number 4,390 students were pursuing courses of study in agriculture, 6,730 in the various branches of engineering, 410 in architecture, 1,573 in household economy, 646 in veterinary science, and 1,923 in other courses of study. The total number of students receiving instruction in military tactics was reported as 11,095.

The Government contributed toward the education of the 21,920 students during the year ended June 30, 1899, at the rate of $52.55 per capita.

The total income of the institutions for the year amounted to $6,193,016, of which amount $1,769,716 were received under the provisions of the acts of Congress of July 2, 1862, and August 30, 1890; $2,570,427 were appropriated by the several States and Territories, and the remainder was derived from fees, invested funds, and other miscellaneous sources.

The disbursements to the States and Territories under this act for

the fiscal year ending June 30, 1901, amounted to $1,200,000, and the total disbursements from the passage of the act up to and including the fiscal year ending June 30, 1901, amount to $11,602,000.

HAWAII.—Laudable progress is reported in education. The number of schools in 1899 is reported as 169, of which 46 are private institutions; number of male teachers, 192; female, 352; male pupils, 8,651; female, 6,839. Of the 15,490 pupils, 5,045 were Hawaiian, 2,721 part Hawaiian, 601 American, 213 British, 337 German, 3,882 Portuguese, 84 Scandinavian, 1,141 Japanese, 1,314 Chinese, 30 South Sea Islanders, and 124 other foreigners. Each nationality had its own teacher.

The expenditures for the two years ending December 31, 1899, were $575,353.

Since the year 1888 nearly all the common schools, in which the Hawaiian language was the medium of instruction, have been converted into schools in which English alone is so employed, 98 per cent of the children being at present instructed by teachers who use English. The report contains a brief but interesting résumé of the history of education in Hawaii.

PHILIPPINES.—The appointment of a superintendent of public instruction in the Philippines was made May 6, 1900, by the civil commission appointed by the President to form a civil administration in the island. This appointment marks the change from the military to the civil control of the schools.

CUBA.—On December 6, 1899, the military governor reorganized the elementary and secondary school system of the island. A board of education is established in each municipality to take charge of the schools, and the mayor, as president, vested with authority to appoint the other members. One public school for boys and one for girls is allowed in every town of 500 inhabitants, and more schools for larger populations; in smaller towns "incomplete" schools, those with less than 35 pupils, are provided for. Attendance is compulsory under penalty of a fine of from $5 to $25, and provision is made for superintendence and inspection of the schools, free text-books, and other details. The course of study is prescribed by the superintendent of schools, who was appointed in September, 1899. In March, 1900, there were reported 131 boards of education in the island and 3,099 schools in operation, with 3,500 teachers and 130,000 children enrolled. In 1899 there had been only 200 schools, with an attendance of 4,000. The expenditures up to the end of March, 1900, had been $3,500,000, the school fund being taken from the customs receipts, and the estimate for 1900 was $4,000,000.

PORTO RICO.—Over 33 per cent of the population, according to the report of General Davis, could not read or write in 1899. The misfortunes, too, of flood and famine, which have occurred since the American occupation, have in themselves been such a check to enter-

prise of any kind as to forbid expectation of progress in education. Nevertheless, a decided change has taken place. With a conviction that the common school is a safeguard of the people the military governor at once undertook the reorganization of the school system of the island, the need of which was recognized by representative Porto Ricans, who had already drawn up resolutions requiring the establishment of kindergartens and normal schools, and asking other changes after the pattern of schools in the United States. Gen. John Eaton, formerly Commissioner of Education, was appointed by Señor Salvador Carbonell, secretary of the interior, December 31, 1898, to take charge of the work, and he continued in office as chief of the bureau of education of Porto Rico until May, 1900. He was then succeeded in his duties by Dr. Victor S. Clark, who has presented a very full report on education in Porto Rico to Gen. George W. Davis, military commander.

In many particulars the common-school system was in an unsatisfactory condition. There were no schoolhouses which had been especially built for the purpose, and suitable school furniture and materials were wanting, while the school was often kept in the dwelling of the teacher, who frequently carried on some other occupation while performing his function of teacher.

An insular board of education consisting of five members was created July 3, 1899, which was to act in an advisory or superintending capacity. The president of this board was the insular superintendent of education. The order of 1899 divided the island into school districts something like those in the United States, provided English supervisorships, prescribed the manner of electing local school boards, established fines for nonattendance to duty on the part of the boards, and provided for district school taxes and the issuance of district bonds. The municipalities were required to provide buildings or quarters for the schools, the schools were graded, the course of study prescribed, and the qualifications of the teachers were defined and their salaries fixed, free text-books were provided for, and high schools, a normal school, and professional schools were organized. At the close of the school year, June, 1899, there were 212 town schools, 313 country districts with schools, and 426 without schools. In a population of 857,660 there were 152,961 boys and 144,851 girls of school age, of whom only 19,804 boys and 9,368 girls were enrolled in the schools, a total of 29,172, while the attendance was 21,873, leaving 268,630 children without school facilities. There were 582 teachers in 1898–99, 74 of whom were from the States. The salaries ranged from $30 to $75 per month in gold. The municipal expenditure for schools in 1898–99 was $203,372.99, and the total expenditure $279,216. The appropriation for schools for 1899–1900 was $330,050. In the first term, 1899–1900, the enrollment was 15,440 boys, 8,952 girls, total

24,392. Average daily attendance, 20,103. Population of the island 957,779. The board of education offered an annual appropriation of $20,000 for any town in the island which would provide a like amount for site and buildings for an industrial and normal school. This offer was accepted by the town of Fajardo.

PUBLIC DOCUMENTS.

The report of the chief of the document division of the Department submitted in compliance with the provisions of section 92 of the act approved January 12, 1895, shows that during the last fiscal year publications of the Government were received and distributed by the several offices and bureaus of the Department as follows:

	Received.	Distributed.
Office of the Secretary	83,729	162,300
Patent Office	429,015	407,587
General Land Office	165,175	153,811
Pension Office	21,656	12,624
Office of Indian Affairs	4,275	4,170
Office of Commissioner of Railroads	1,100	991
Bureau of Education	59,316	67,194
Geological Survey	581,514	544,360
Total	1,345,780	1,353,037

Three hundred and seventy-six copies each of volumes 174, 175, and 176, United States Reports, were received from the reporter of the Supreme Court, and distributed to judicial and executive officers of the Government in compliance with the provisions of sections 681 and 583 of the Revised Statutes and of act of February 12, 1897.

The recommendations repeatedly urged by the Department that provision be made for the purchase and distribution of additional copies of United States reports for the use of officers of the Government requiring them in the discharge of public duties are again renewed. As during the last session of Congress favorable action in the premises was once more taken by the Senate and as a bill adequate in all essential respects was reported by the Committee on the Judiciary of the House, it is hoped that the matter may be satisfactorily determined during the early days of the next session.

The Compiled Statutes of the District of Columbia were during the year distributed to such libraries as were designated for the purpose by Senators, Representatives, and Delegates in Congress in compliance with the provisions of a joint resolution approved February 27, 1899. After these provisions shall have been fully executed, a sufficient number of copies of the work will remain to enable the Depart-

ment to distribute one copy to each United States judge not already supplied. It is therefore recommended that authority for such distribution be granted by Congress.

The Official Register of the United States was compiled during the last fiscal year under the supervision of the chief clerk of the Department. This work now comprises two large quarto volumes aggregating 3,128 pages, and records the name, office, State where born, State, county, and Congressional district whence appointed, place of employment, and compensation of all officers and employees of the United States. Volume 1, relating to the legislative, executive, and judicial departments of the Government, exclusive of the postal service, contains about 97,000 names; volume 2, relating to the postal service, about 140,000. About 19,000 of the employees of the Government are located in the District of Columbia.

Of the map of the United States published under the direction of the Commissioner of the General Land Office, edition of 1898, 25,495 copies were received by the Department, 4,664 of which were delivered to the Senate, 9,360 to the House of Representatives, and 976 to the General Land Office, in compliance with the provisions of law governing their distribution. Of the remainder 7,610 have been sold, chiefly to public and private schools. The large demand for this map, which still continues, shows the estimate placed upon it, especially by educators, and that the opportunity to secure copies at the price at which it is sold is highly appreciated. The supply is now, however, entirely exhausted. Unexpected delay has occurred in the publication of the map for 1899, but it is hoped that it will soon be ready for delivery. This map will show by distinct boundary lines the several acquisitions by the Government of territory upon this continent, and, in addition, the islands that have recently been adquired, which will be arranged along its lower border.

All copies of the map distributed or sold by this office are attached to sticks before they are sent out, so as to be immediately available for use by those receiving them. In my judgment every copy of this valuable publication should be provided with sticks before distribution, otherwise in very many cases the recipient is either put to much inconvenience and considerable expense in securing rollers or lays the map aside as too unwieldy for use. It is therefore earnestly hoped that the bill which passed the Senate at the last session making provision to this end will receive favorable action on the part of the House before distribution of the new map is made. The expense will be trifling compared with the added value imparted to the map as a work intended for constant or repeated use.

The sum of $7,697.36 was received from the sale of documents during the year by the office of the Secretary and $6,217.37 by the Geological Survey. The sales of both offices were largely in excess

of those of any previous year. A large number of its publications were also sold by the Patent Office, but the report of the Commissioner does not specify the amount received exclusively from this source.

OFFICE OF RAILROAD AFFAIRS.

The operations for the last fiscal year, and the present condition of the several railroad companies which have received subsidies in bonds and grants of land from the United States, and which come under the provisions of the act of June 19, 1878, are set forth in the report of the Commissioner of Railroads.

The commissioner shows that the remarkable increase of railroad traffic over the land-grant and bond-aided roads, indicated in the reports for 1898 and 1899, is even exceeded in this fiscal year, and is a striking evidence of the prosperity of the people. The physical conditions of the roads in question have improved in fully equal ratio with their great financial increase.

Attention is invited to statements showing the increase in net earnings, as also in gross earnings and expenses of the roads coming under the supervision of the office. The increase in net earnings for the fiscal year amounts to over $16,190,000, and that in gross earnings is over $39,980,000. The increase in expenses is over $22,940,000, and is explained by the great additions in betterments and rolling stock and the renewal of rails, etc., mentioned in above paragraph.

Under the head of "Bond-aided roads," the Commissioner again sets forth the settlement of the indebtedness of the Union Pacific, showing that the pecuniary interest of the Government in this road terminated on November 1, 1897, when the road was sold for $58,448,233, which has been paid to the United States. The Kansas Pacific was sold to the same parties who purchased the Union Pacific, on February 16, 1898, the sale realizing to the United States the sum of $6,303,000, leaving a balance due the Government, on account of this road, of $6,588,900.19.

CENTRAL PACIFIC.—The Commissioner treats of the steps taken by the commission, consisting of the Secretaries of the Treasury and the Interior and the Attorney-General, appointed by Congress to effect a settlement with this company, and sets forth the agreement in full. The plan of settlement is briefly as follows:

The settlement is made as of the 1st day of February, 1899, at which date the amount due the United States for principal and interest upon its subsidy liens upon the Central Pacific and Western Pacific railroads amounted to the sum of $58,812,715.48, that being the full amount necessary to reimburse the United States for the moneys paid for interest or otherwise in aid of the construction of said railroads.

Said indebtedness is, by the agreement of settlement, funded at the amount aforesaid into 20 promissory notes, dated February 1, 1899, payable, respectively, on or before the expiration of each successive six months for ten years, each note being for

the sum of $2,940,635.78, which is one-twentieth of the total amount due. Said notes bear interest at the rate of 3 per cent per annum, payable semiannually, and have a condition attached thereto to the effect that if default be made in any payment of either principal or interest of any of said notes, or any part thereof, all of said notes then outstanding, principal and interest, shall immediately become due and payable, notwithstanding any other stipulation of the agreement of settlement.

SIOUX CITY AND PACIFIC.—An act passed by Congress June 6, 1900, provides for the creation of a commission, consisting of the Secretaries of the Treasury and the Interior and the Attorney-General, to effect a settlement with this company. The commission is empowered to adjust the indebtedness "and secure to the United States the largest possible sum in payment of said indebtedness."

The gross earnings of the aided portion of this road for the year ended December 31, 1899, amounted to $496,037.70 and the net earnings to $146,074.47. The requirement—that is, the amount due the Government, under the acts of July 1, 1862, and July 2, 1864, which authorized the construction of the Pacific railroads and the bond and lands granted to aid in such construction—was 5 per cent of the net earnings and one-half of the Government transportation, which amounted to $24,035.76. The total indebtedness of this company to the Government on June 30, 1900, was $4,198,725.71.

CENTRAL BRANCH RAILWAY.—This company is the successor of the Central Branch Union Pacific, having been incorporated July 8, 1899. The road was sold under foreclosure proceedings brought by the trustees under the first mortgage, for the sum of $2,350,000, the proceeds of the sale going to cover the principal of the first-mortgage bonds and the accrued interest thereon. In this transaction the United States, the holder of the second or junior lien, received nothing by way of reimbursement for the indebtedness of the company, which amounts to $3,750,125.13. Regarding the proceedings above mentioned:

The Attorney-General has held that

while the United States is named as a defendant in the bill of complaint to foreclose the mortgage on the Central Branch Union Pacific Railroad, no subpœna, citation, or other process was served upon it, nor did it appear as a party, and is therefore not barred by said decree of sale and might still redeem the property or cause its resale on account of its subsidy lien.

This railroad, in accepting the assignment of the rights and franchises of the Hannibal and St. Joseph Railroad Company, and the grant of lands, bonds, etc., conferred by act of Congress in aid of its construction, succeeded also to, and had imposed upon it, all the obligations, limitations, and conditions with reference to the application of compensation for services for the Government toward the payment of these subsidy bonds.

One-half of the compensation due from time to time for the services rendered by this road for the Government should be withheld and applied upon the bonds issued by the United States in aid of its construction, notwithstandin he foreclosure and sale of the same.

THE TERRITORIES.

ALASKA.

The governor of Alaska, John G. Brady, in his report gives an extended review of the conditions prevailing throughout the district during the year. Under the provisions of the recently enacted criminal and civil codes, Alaska is now provided with a body of good laws. There is, however, he states, a desire among the people that the entire revenue derived from the collection of license fees, collected under the act of June 6, 1900, the major portion of which is now turned into the Treasury, should be expended within the limits of the district.

By the recent legislation Alaska has been divided into three judicial districts, with headquarters at Juneau, St. Michael, and Eagle City. The vast stretch of coast between Unalaska and Yakutat, in which the capital invested in mines and fisheries amounts to millions of dollars, is still without adequate legal protection. The governor recommends legislation providing that this region be made a fourth judicial district, with headquarters at Valdez, and that a thoroughly seaworthy vessel be furnished for the use of the officials connected with said judicial district.

Each year since 1884 the annual reports of the governors of Alaska have emphasized the importance of the enactment of such legislation as will enable settlers in Alaska to acquire title to public land. This has not yet been accomplished, and the governor reiterates his recommendations for action by Congress affording relief in this matter at the coming session.

The providing of adequate transportation facilities throughout northwestern Alaska continues to be a great problem. In southeast Alaska nature has provided waterways which are navigable during the entire year by the largest ocean-going vessels. The White Pass and Yukon Railway from tide water to White Horse Rapids, 112 miles, the head of steamboat navigation on the Yukon River, gives ready access into the Yukon Valley. The coast between Sitka and the Aleutian Islands is indented with many harbors which are free from ice and accessible at all seasons of the year. The greatest difficulty is encountered in the regions bordering upon Bering Sea. During the winter months Bering Sea is closed by ice, and during the short summer season navigation in those waters is rendered perilous by reason of the shallowness of the sea. The great rivers emptying into Bering Sea bring down great quantities of silt, which is constantly extending the deltas at their mouths. St. Michael Island, the present depot for the Yukon River trade, can be approached only by vessels of light draft. Freight must be discharged upon lighters and towed to the warehouses, subsequently to be reloaded upon the flat-bottomed river steamers, which frequently

meet with disaster during the exposed passage of 60 miles between St. Michael and the mouth of the Yukon. Northwest from Nome is the ample harbor of Port Clarence. The governor expresses the opinion that the building of a railroad from the head of this harbor to Nulato, on the Yukon, a distance of about 250 miles, is highly desirable, as it would eliminate the long and difficult stretch of navigation from St. Michael to Nulato. At Nulato a line of railway would connect with river steamers plying between that point and White Horse Rapids, the present terminus of the White Pass and Yukon Railway. If such an avenue of transportation were opened up, he states, it would do away with the hardships attending landings on the open beach at Nome and render unnecessary the use by vessels of the unprotected roadstead at St. Michael.

Attention is invited to another avenue of approach to the interior of Alaska as that by way of Valdez over the military road which is being constructed by Captain Abercrombie, and of which more than 125 miles of trail have been completed. The prediction is made that a railroad will follow this route, thus solving the problem of an all-American route into the interior of Alaska.

The report contains a graphic picture of the stampede to the gold fields of Nome. One hundred and sixty-two steamships and 70 sailing vessels had arrived up to August 1. The number of passengers up to July 15 was 18,000. The number who came by way of the Yukon was estimated at 4,000, and the number who wintered there at 3,000, making a total population of about 25,000, the majority of whom were living in tents stretching along the beach for many miles. A large number of claims are involved in litigation, greatly retarding the development of the camp. Owing to the indiscriminate use of powers of attorney in locating claims stream after stream had been staked with claims and the country is suffering from this unlimited right to locate. Remedial action on the part of Congress is urged.

No definite statement as to the value of the output of gold from Nome during the season is practicable. The estimates from the other gold fields are stated as follows: Koyukuk, $200,000; Rampart City, $250,000; Eagle City, $750,000. Total yield of the two stamping mills operated by the Alaska Treadwell Gold Mining Company on Douglas Island was $1,153,367; that of the Alaska Mexican Gold Mining Company $358,161.37, and of the Alaska United Gold Mining Company $452,928.89.

Statistics regarding the salmon industry during the fiscal year 1900 are not available; the pack for the year 1899 was estimated at 1,098,239 cases and 24,922 barrels. Natives of Alaska received from the Alaska Packers' Association $40,109 for labor performed.

Attention is called to the necessity for legislation defining the legal status of the natives of Alaska. Whole communities have aban-

doned the old style of living and have adopted the avocations of the white man. They engage in the hardest kind of labor in mines, logging camps, and sawmills; they work upon the wharves or as deck hands or coal passers on steamships, and a few engage in mercantile pursuits. In no respect have they been a burden since American occupation of Alaska began. They aspire to citizenship, which will enable them to locate mining claims, take out licenses as steam engineers and pilots, and to compete with the white settlers who are crowding upon them. If they commit crime they find that they are held amenable to white man's law; they wish to enjoy its benefits also. Congressional action which will enable native Alaskans to become American citizens is strongly urged.

Referring to the condition of the natives, the governor states:

An epidemic of la grippe, accompanied by measles and pneumonia, broke out early this season among the natives who inhabit the islands and shores of Bering Sea, both in Asia and America. The revenue cutter found many of the people at Atka and Attu sick. A number died upon the Seal Islands. The officers of the *Bear* found a sad state of affairs on St. Lawrence Island and the settlements which they visited in Siberia on their trip to purchase reindeer. The people were too sick and helpless to trade, and only 29 animals were obtained. The people around St. Michael and the Yukon delta, and 600 miles up the river, were in a most wretched condition.

On this subject General Randall; Col. Joseph F. Evans, special agent of the Treasury Department; Capt. Francis Tuttle, of the *Bear;* Dr. Jackson, and the governor all agreed that immediate action was necessary. Captain Howell, in charge of the post at St. Michael, sent out details to hunt up and bury the dead and to administer medicine and food to the sick. Lieutenant Jarvis had collected a number around Nome and other points, and had them quartered near the mouth of Nome River, close by the new barracks, under the command of Major Van Orsdale. This officer saw that these people were visited and fed and protected from the whites. All the supplies of food and clothing which could be spared from the reindeer station at Eaton were brought down the river and put upon the *Bear*, and in addition a large amount was purchased at St. Michael and placed aboard, to be distributed at points north of Cape Prince of Wales, and as far as Point Barrow.

The people have been left so weak and discouraged that they had not the strength nor disposition to put up food for winter. At the different points where they were helped in time they were getting better and becoming more cheerful. These Eskimos deserve our earnest solicitation and care. They stand the peers of any native stock upon the continent. Their clothing, their instruments for hunting and fishing, their kyaks and large skin boats, and their houses all bear the stamp of a high order of intelligence. They have never given us trouble. We are invading their immemorial domain, killing off the whales, the walrus, the seals, the caribou, and the fish; yea, digging up the sands and gravel beneath his humble barabara on the shores of the sea in our mad rush for gold, and if he objects we ease our consciences by inquiring, with all the domineering insolence of our race, What legal right has a native to these things anyway? One will say, "He is not a citizen; he therefore can not take up a mining claim, and if his grave or his house is in the way they must be removed;" another, "He can't become a pilot, for how can he get his papers unless he is a citizen?" In the name of justice, then, let them become citizens, so that they may at least have a legal opportunity to hold their own. Was ever a simple, hospitable people so threatened with utter extermination as these native Eskimos this summer?

A deathly plague and a wild stampede of hungry and avaricious whites pouring in upon their precincts and turned loose upon them by shipload after shipload, bringing with them the arts and accomplishments of Sodom and Gomorrah. The missionaries are their best friends, and it is hoped that through their unceasing efforts and fostering care, and by the change from a hunting to a pastoral life, a remnant of a noble people may be saved.

The condition of the natives in Alaska has been reported to this Department from time to time to be pitiable in the extreme, they being in destitute circumstances and afflicted by diseases of various kinds. This Department having no appropriation under its control out of which any relief could be afforded the Alaskan natives, the War Department supplied, in this emergency, from its commissary and subsistence stores, etc., in Alaska, food, clothing, medicines, etc.

In my judgment a specific appropriation should be made by Congress of a sum sufficient to provide for these destitute natives, to be expended preferably under the supervision of the Secretary of War or the Secretary of the Treasury, they having better facilities than this Department for the distributing of the Government's bounty.

Nothing has been done regarding the surveying of the public lands so that an entry can be made in any of the land offices by a homesteader.

Congress, at its last session, appropriated "for the continuation of the investigation of the mineral resources of Alaska, $25,000, to be immediately available." Several parties were organized and have been at work this summer, and, beyond question, the result of their labors will be instructive and profitable to those who propose further adventure in the wilds of Alaska.

The number of lives and property at stake in the increased commerce with Alaska, the governor states, demand the location of an increased number of light-houses and buoys, and recommends that Alaska be made a light-house district, instead of being attached to the Thirteenth district, with headquarters at Astoria, and depending upon the annual flying visits of a light-house tender. A revenue cutter should also be kept in southeast Alaska throughout the year. In that region traffic in winter is as great as it is during the summer, and the presence of a revenue cutter would prevent much of the winter smuggling of liquor into the Territory.

A station of the Marine-Hospital Service has been established at Dutch Harbor under command of Dr. Dunlap Moore, assistant surgeon. There is a well-fitted hospital here, with sufficient number of beds and all necessary appliances. The number of sailors who pass that way is large, and they will feel better to know that there is such a place ever ready for their care and treatment should they become sick or hurt.

The act making appropriation for the support of the Regular and

Volunteer Army for the fiscal year ending June 30, 1901, approved May 26, 1900, contained a paragraph making appropriation of $450,550 for military telegraphs and cables. The transports had already in August conveyed most of the material to the distributing points. Major Green, the chief signal officer, with his force started to take it along the proposed line of construction. St. Michael and Nome will be connected by a submarine cable 132 miles in length, and St. Michael and Unalakleet by a similar cable, 50 miles. A cable to the Philippine Islands by way of the Aleutian Islands is discussed and recommended.

The steady decrease of the fur seal is recorded. The number killed upon the islands of St. Paul and St. George this year by the North American Commercial Company, under the terms of its contract, was about 24,000. Favorable mention is made of the reindeer industry in northwestern Alaska, where the influx of white men is creating a great demand for deer that have been trained to harness, and attention is called to the rapidly growing fox-farming industry on the islands of western Alaska.

The act of Congress, approved June 6, 1900, defining the duties of the governor, provides:

> He shall, subject to the direction and approval of the Secretary of the Interior, a ver ise for and receive bids and, in behalf of the United States, contract from year to year with a responsible asylum or sanitarium west of the main range of the Rocky Mountains submitting the lowest bid for the care and custody of persons legally adjudged insane in said district of Alaska; the cost of advertising for bids, executing the contract, and caring for the insane to be paid, until otherwise provided by law, by the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, on accounts and vouchers duly approved by the governor and the Secretary of the Interior.

Advertisements for proposals for such service were published in a number of papers and none were received; subsequently circular letters were sent to a number of asylums and the only proposal received thereunder is now before the Department with a view to its acceptance.

Section 32 of the new law makes provision for a district historical library and museum. In the governor's office there are 1,200 bound volumes, a good number of volumes and pamphlets unbound, charts and maps, but all uncatalogued. It is proposed to arrange these properly and make them the nucleus of the library and museum.

Under the provisions of the act making further provision for a civil government for Alaska the towns of Skagway, Juneau, and Ketchikan have incorporated, and each now receives for the support of its schools 50 per cent of the license fees collected within its limits. In order to extend similar privileges to the other towns and villages of Alaska, the governor urges that 50 per cent of the license money received from Alaska outside the incorporated towns be expended under the direction of the Secretary of the Interior for the support of schools for the children beyond incorporated limits.

Until land laws shall have been extended to Alaska the governor does not advocate the formation of a Territorial government. A Territorial government means local taxation. As yet the entire population, with very few exceptions, are simply squatters and would not be able to bear the burden of an expensive government. He states, however, that a Delegate to look after Alaska's interests before Congress and in the Departments is urgently needed.

Recapitulating, the governor states that the three subjects upon which legislation for Alaska is most urgently desired are the land laws, the status of the natives, and the providing of a Delegate to Congress.

ARIZONA.

The governor of Arizona, Mr. N. O. Murphy, in his annual report, estimates the population of the Territory, excluding Indians, at 105,000, and states that any difference between this estimate and the official census returns may be explained by the fact that at the time the census was taken a very large number of the residents of the Territory were at the seashore and other summer resorts, and were not enumerated. He estimates that the population of the Territory has been increased during the past decade at an average rate of 5,000 per annum.

The statement of the taxable property of the Territory, compiled from the assessment rolls, shows a total valuation of $33,782,465.99, an increase of $1,272,945.70 for the year. The number of acres of land returned for taxation is given at 3,849,774. The true value of the property in the Territory is estimated to be at least $100,000,000. There are 326,258 cattle, 415,964 sheep, and 43,070 horses assessed. Railroads to the aggregate of 999 miles are taxed, and there are 462 miles of railroad exempt from taxation for a term of years.

The net indebtedness of the Territory, bonded and floating, is stated to be $1,070,850.

The governor reports that notwithstanding the drought from which Arizona, in common with southern California, has suffered during the year, the condition of all industries in the Territory is prosperous. Since June 30, 1899, the Territorial banks have been increased 100 per cent in number, and there has been an increase in bank deposits of 32 per cent.

Seventy-four miles of railroad have been constructed during the year, and a number of new lines have been surveyed and are projected.

The commerce between the Territory and the Republic of Mexico is on the increase from year to year, most of the business being done through the custom-house at Nogales. There was an increase of $245,989 in the value of imports, and of $33,142.92 in the duties col-

lected during the year. The cost of collection, however, has materially decreased. The increase in exports amounted to $266,086. There were 18,271 head of cattle imported, a slight decrease for the year; the duty collected on cattle amounted to $62,083.03.

The agricultural and horticultural interests of the Territory are largely dependent upon the waters of the Salt and Gila rivers for irrigation, and this year the supply of water has been below the normal quantity. The question of water storage has engaged the attention of the people to a greater degree than ever before. There are excellent reservoir sites on both the Salt and Gila rivers, in which water could be stored to irrigate several hundred thousand acres in addition to the area now irrigated. The conservation of the storm waters of these rivers is, therefore, one of the most important problems with which the people of Arizona have to deal. The residents of the Salt River Valley, surrounding Phoenix, have perfected an organization, the object of which is the construction of a reservoir on the Salt River; and if capitalists can not be induced to take up the work, it is probable that the county of Maricopa will vote an issue of bonds for the purpose of raising money for construction.

I concur in the recommendation of the governor that Congress make the necessary appropriation for the construction of a reservoir on the Gila River at the San Carlos site, in order that the Indians on the Gila River Reservation may be supplied with adequate water for irrigation and thus be made self-supporting. This reservoir would, in addition to supplying the Indians, afford irrigation water for a large number of white settlers on the public lands between the reservoir site and the reservation. Further reference to this matter is made under the head of "Indians" on page 15 of this report.

The development of artesian water has been an important feature of the year's agricultural developments, a number of important wells having been brought into use in the upper valley of the Gila, near Safford, and in the valley of the San Pedro, near Benson.

The mining industry during the past year has been more prosperous than at any other period in the history of the Territory. Accurate information as to the yield of the precious metals is not obtainable. The governor believes that the accepted estimate of $20,363,421 as the value of the gold, copper, silver, and lead produced last year is too low.

The public schools of the Territory are in a flourishing condition. There are nearly 21,000 school children between the ages of 6 and 18. The education of all children is compulsory, under the law, and there is hardly a hamlet, however remote, which does not enjoy ample school facilities. Only teachers of the best ability are employed, and they are well paid. The average monthly salary of male teachers is $74.15; of female teachers, $63.40. The school revenues for the year amounted to $421,776.15, raised by public taxation. All the schools are free, from

the primary department to the university. A substantial increase in the attendance at the Territorial university is noted. This institution has an excellent faculty, and the best facilities are afforded for a university education. In connection with the university there is a school of mines, which is celebrated for its excellence.

The governor states that the Indians of the Territory, numbering, approximately, 28,000, have been law-abiding and industrious during the year. He furnishes interesting and detailed statistics concerning the various tribes.

The Indian school at Phoenix has grown to be one of the most important in the country. It now has an enrollment of 700 pupils. The school was established in 1891, and has earned an enviable reputation for its good results. The literary, commercial, and manual training departments are filled with students. The following trades are taught: Agriculture, baking, blacksmithing, cabinetmaking, carpentry, dairying, engineering, gardening, harness and shoe making, masonry, onyx manufacture and stonecutting, painting, printing, sewing, tailoring, wagon making, and cooking. An important industry in which full instruction is given is that of domestic science, which teaches the theory and practice of cooking and housekeeping. Regular courses are established in this work, and it is obligatory upon every girl to graduate from the course, and also from that of sewing, before diplomas are given to them from the literary department. A school paper called the Native American has been established, and is a source of much profit to the students in various ways, besides being an educational factor of great importance in bringing the whites to a realizing sense of the real Indian, his abilities and ambitions. The student body represents some 50 different tribes, from all the Western States and Territories, and there have been applications from Indians of Alaska to enter the school. There exists very little difference in the natural mental ability of the various tribes, but a very considerable difference in energy, industry, and ambition. The river Indians (those living along the river bottom lands) are better natured, more docile, and less ambitious to excel than the mountain Indians. The Apaches compare very favorably with other tribes, and will, when educated, make good citizens.

The public buildings of the Territory comprise: The capitol, at Phoenix; the insane asylum, at Phoenix; the University, at Tucson; the Territorial prison, at Yuma, and two normal schools, one at Tempe, and the other at Flagstaff. Since the governor's report of last year was issued the capitol building has been finished and is now occupied by the various Territorial officials. The building was constructed of Arizona stone, and cost $130,000. It is admitted to be one of the best constructed and most handsome public buildings in the country.

The undeveloped resources of Arizona in precious metals, agricul-

ture, horticulture, grazing, and timber, mineral springs, hot springs, marble and building stone, onyx, coal, and nearly every natural product known to commerce, make the Territory one of the wealthiest subdivisions of the Union, and insures its future as a great and prosperous State.

The governor again calls attention to the arid lands as an asset now valueless, but capable of producing vast wealth if provided with water for irrigation, and while urging the construction of storage reservoirs by the Government in specifically meritorious cases, he holds that the most practicable method for the reclamation of the great public domain within the borders of the Territory would be through the cession of all the public lands to the Territory. He argues that with these lands as an asset the Territory could easily obtain funds for the construction of all the storage reservoirs needed for the conservation of the waters now wasted in floods, and points out that if the public domain were within Territorial control the vexatious problem of preserving peace and harmony between the cattle raisers on one side and the sheep growers on the other could readily be solved.

Arizona has the largest unbroken pine forest in the United States, covering an area of over 8,000 square miles. The timber is usually found at an altitude between 5,500 and 7,500 feet. The total quantity of pine timber fit for sawing purposes within the boundaries of the Territory amounts to 10,000,000,000 feet, which can supply the needs of a populous State for more than a century. The principal forest area is in Coconino County and borders the Grand Canyon of the Colorado, although Gila, Apache, and Yavapai counties have considerable timber. Some large forest reserves have been created in northern Arizona and rules promulgated for their regulation, with a view to their preservation from spoliation and to prevent destruction by fire.

The governor makes an earnest plea for statehood, and directs attention to the strong argument which he has offered heretofore in his reports for the admission of the Territory into the Union. He closes his report with the following recommendations: That Arizona be admitted into the Union as a State; that all the public lands within the Territory be ceded to the State of Arizona at the time of its admission; that Congress aid, by liberal appropriations, the construction of storage reservoirs within the Territory, and particularly the construction of a dam at San Carlos, on the Gila; that all public lands within the Territory be surveyed; that a Government assay office and branch mint be established within the Territory; that a suitable appropriation be made for artesian-well explorations in Arizona; that a commission be appointed for ethnological and archæological research within the Territory, and that suitable appropriation be made by Congress therefor; that a fifth judicial district be created; that the salaries of the Federal judges of the Territory be increased, and that appropriation

be made by Congress to pay the governor and secretaries of Territories the salaries allowed them by law.

HAWAII.

The governor, Sanford B. Dole, submits an interesting report of the progress and development of Hawaii covering the period from July 7, 1898, the date of the approval of the "joint resolution to provide for annexing the Hawaiian Islands to the United States," up to April 30,.1900, the date of the approval of the "act to provide a government for the Territory of Hawaii," and thereafter.

The last Hawaiian census, taken in the year 1896, gives a total population of 109,020, of which 31,019 were native Hawaiians. The number of Americans reported was 8,485. The results of the Federal census taken this year show the islands to have a total population of 154,001, an increase over that reported in 1896 of 44,981, or 41.2 per cent. The total land surface of the Hawaiian Islands is approximately 6,449 square miles; the average number of persons to the square mile at the last three censuses being as follows: For 1890, 13.9; 1896, 16.9; 1900, 23.8.

The present aggregate area of the public lands is, approximately, 1,772,713 acres, valued at $3,569,800. During the last biennial period the valuation of taxable property subject to ad valorem assessment was as follows: 1898, real estate, $26,820,279; personalty, $26,662,105; 1899, realty, $38,459,370; personalty, $37,707,602; and in 1900, real estate, $45,620,185; personal estate, $51,871,399, aggregating $97,491,584. Taxes were assessed on these classes of property at the rate of 1 per cent ad valorem. Vehicles of various kinds are subject to special taxes. In 1899 there were 7,320 carriages and 7,721 carts and drays in the Hawaiian Islands.

The current revenue was as follows: 1898, $2,568,489.12; 1899, $3,345,231.50; first six months of 1900, $1,286,579.29; loan receipts, 1898, $141,000; 1899, $509,000.

The number of land patents granted during 1898 aggregated 158, amounting in area to 8,530 acres and in value to $47,422.89; in 1899 they numbered 115, containing 9,007 acres, valued at $51,043.13. The records of the public lands office show the following transactions entered into in 1898: Right of purchase leases 72, acres 3,906+, value $31,654.32; special agreements 16, acres 1,007+, value $12,153.05; homestead leases 19, acres 296+; cash purchases 9, acres 245+, value, $17,205.50; compromise and equitable settlements 2, acres 437, value $550; aggregating in value $61,562.87; in 1899, right of purchase leases 42, acres 3,323+, value $15,877.32; special agreements 37, acres 803+, value $5,236; cash freeholds 4, acres 67+, value $169.54; homestead leases 32, acres 350+, not valued; cash purchases 5, acres 379+, value

$7,603.50; aggregating $28,886.36 in value. Leases were entered into as follows: General leases for 1898 15, area 25,808.93, annual rental $7,187; 1899, number of leases 5, area 3,031.93, annual rental $2,032. Special land licenses for 1898, 2; annual rental for 1898, $600.

In consequence of the Executive order of September 11, 1899, discontinuing further disposal of public lands, there were no transactions to report for the first six months of 1900. During 1898 and 1899 there were but three sales of land under the control of the minister of the interior, aggregating 1,448 acres and $2,845 consideration, and 16 leases of business lots upon conditions of improvement under act 7 of the Hawaiian laws of 1896, aggregating an annual rental of $11,025.

There has been marked progress in the agricultural development of the island. The sugar industry has been greatly stimulated by annexation. In the year 1899 there were 58 plantations, 55 of which had their own reducing plants. There was also one mill which reduced the cane produced on neighboring plantations. Nine of these plantations may be credited to the stimulus to the sugar industry caused by annexation, and two are large developments of small plantations due to the same cause. Several of these new enterprises have been given up or suspended for a time for various causes, among which uncertainty of water supply for irrigation and stringency of the money market may be regarded as the most influential. The value of sugar exported for 1898, 1899, and the first six months of 1900 has been as follows: 1898, $16,614,622.53; 1899, $21,898,190.97; first half of 1900, $14,770,546.76. Sugar estates have paid taxes for 1898 and 1899 as follows: 1898, $237,527.89; 1899, $396,887.73.

Rice is raised almost entirely by Chinese, and is cultivated in wet land with the ground covered by water until the grain begins to ripen; the water is then drawn off, and by the time the crop is ready to be harvested the ground is firm under foot and nearly dry. The crop is harvested with sickles and the paddy is thrashed out on thrashing floors, generally made of cement, by driving loose horses over the sheaves. Two crops are raised each year; a considerable portion of the product is consumed locally. Rice plantations have paid taxes for 1898 and 1899 as follows: 1898, $12,142.62; 1899, $14,544.09. The value of rice exported for 1898, 1899, and the first six months of 1900 has been as follows: 1898, $149,278.14; 1899, $42,562; first six months of 1900, $2,300.

During the past ten or twelve years the cultivation of coffee has developed to a considerable extent. In the years between 1850 and 1860, it is stated, several large coffee plantations were carried on at low elevations, which were eventually attacked with blight and given up, and from that period till near 1890 little was done in the cultivation of this product. It, however, became a wild plant, growing through the woods in many localities.

In Kona, on the island of Hawaii, there was a widespread growth of wild coffee, which was doubtless extended by the natives by desultory planting, but which received no other attention except the harvesting of the annual crops of berries. For many years, up to the present time, the natives of that locality were accustomed to pick and prepare for the market this yield, and it was to them a regular and substantial source of income. The wild coffee was seldom attacked by blight of any kind, and the quality of the yield was good. It is even now argued by some of those engaged in the cultivation of coffee in Kona that it pays better to let the coffee grow wild, substantially crowding out weeds by being allowed to grow close together and thus covering the ground, than to cultivate it. The Hawaiian coffee is of a fine quality and brings good prices. The area of coffee cultivation in 1897 was, approximately, 6,154 acres. In 1898 the area under cultivation had increased, approximately, to 8,888 acres. Recent exports of coffee have been as follows: 1898, $115,944.89; 1899, $132,347.43; first half of 1900, $49,553.45.

Bananas have been profitably exported to the mainland for many years from Honolulu. The value of the fruit exported for 1898, 1899, and the first six months of 1900 has been as follows: 1898, $66,580.91; 1899, $84,268.82; first six months of 1900, $9,317. The export for this last period was disastrously interrupted by the prevalence of the bubonic plague in Honolulu and the consequent quarantine regulations.

Pineapples have been raised for export for a number of years. There is hardly a limit in the Territory to the possible production of this fruit and bananas. The export of pineapples in 1898, 1899, and the first six months of 1900 was valued as follows: 1898, $14,485.60; 1899, $14,629.61; first six months of 1900, $10,781.11.

As an aid to the agricultural development of this Territory the governor urges the establishment of an experiment station in the island.

The question of raising cattle is proving one of interest and profit. A number of large ranches are now being successfully operated. Greater attention is being paid on some ranches to the improvement of pasturage by dividing up the land into paddocks, and by the introduction of new forage plants. There is also an increased interest shown in the improvement of herds through the importation of improved breeds. The exportation of wool in 1899 was 307,551 pounds, valued at $26,678.98.

The forests of Hawaii are worthy of consideration. A great variety of indigenous trees exist in these forests, which generally occupy the higher elevations below the frost line. A majority of the large trees belong to the class of hard woods. Several varieties of exotic trees have been introduced and have materially assisted in adding to the diminishing forests. There is great need for a trained forester who

can advise the government in regard to the protection of forests and their extension; also upon questions of permitting certain lands to be deforested for settlement and agricultural purposes.

Industrial progress has been noteworthy; from January 1 to June 14, 1900, 21 corporations for mercantile, agricultural, manufacturing, or investment purposes, and 1 for church purposes, obtained charters. In the same period 9 corporations obtained amendments to their charters. Corporations in existence June 30, 1900, are as follows: Religious and benevolent, 36; mercantile, 168; agricultural, 175; telephonic, telegraphic, and cable, 13; railways, 7; cemeteries, 3; clubs and lodges, 9, making a total of 411.

The future development of the railroads promises to be in keeping with other material interests of the island. The Kohala and Hilo Railroad Company was incorporated on the 26th day of June, 1899, and entered into contract with the minister of the interior under the statute relating to the construction of railways in the Hawaiian Islands. The contract provides that a modern standard broad-gauge railway shall be constructed from the port of Hilo to and through the districts of Hamakua and Kohala to the port of Kawaihae, or some other port in said district of Kohala. The entire length of the road will be about 130 miles. The work of laying out the line of the road has been prosecuted, and notwithstanding interruptions caused by questions arising under the proclamation of the President disapproving of land transactions made after the act of annexation and from circumstances arising out of quarantine regulations relating to the bubonic plague, which prevailed in these islands during the past winter, the completed surveys of the road have been made to Laupahoehoe, 26 miles, and detailed maps and plans have been completed to Hakalau, 15 miles. The capital stock of the company is $3,500,000, and the company is sanguine that the road and its branches will all be completed and in working order within two years.

The Hawaiian Tramways Company, Limited, operates a street railway in the principal streets of Honolulu, the aggregate length of the lines being over 12 miles. The company was organized in 1887, the legislature having granted a franchise to use for its purpose certain of the principal streets of the city. Its capital is $1,000,000, divided into 26,000 shares of $25 each, making $650,000, with an authorized debenture issue of $350,000. Of this capital there has been issued and fully paid up 13,000 shares, making $325,000, together with a debenture issue of $150,000 bringing its working capital up to $475,000. The balance of the shares have already been subscribed for with a view of developing new lines, doubling those already in existence, and converting and altering its present mode of traction from animal to electricity. This development has already been commenced by the laying of 86-pound girder rails for its new double track. The company has

31 horse and electric cars. The fare is 5 cents, except on its long Waikiki line, where a 10-cent fare is charged. During the year 1899 a dividend of 5 per cent was paid, absorbing $16,250. The income for that year amounted to $141,396. The working expenses were $87,946.30.

The Honolulu Rapid Transit and Land Company was duly incorporated under the laws of the Hawaiian Islands on the 30th day of August, 1898, and has authority, under a special act of the legislature of the Republic of Hawaii, approved July 7, 1898, and further approved by the President of the United States on the 25th day of June, 1900, to construct, maintain, and operate for thirty years a single or double track street railway in the district of Honolulu, including the city of Honolulu, with such motive power as the directors may determine. The minimum capital of the corporation was fixed at $200,000, divided into 2,000 shares of $100 each, with the right to extend the same from time to time, upon notice to the Territorial treasurer, by issue of new shares, not to exceed in all the sum of $2,000,000. On the 18th of September, 1899, the capital was increased to $300,000, of which $250,000 has been issued and paid up, leaving $50,000 in the treasury to be issued at a future date.

Education in Hawaii is making favorable progress. In Honolulu two large schoolhouses have recently been erected at a cost of $24,778 and $20,349, respectively. The department of education is under the management of a superintendent of public instruction, assisted by six commissioners of public instruction, two of whom are ladies. The tenure of office of the commissioners is six years, the term of two of them expiring each year. They serve without pay. The system is the same as that existing under the Republic of Hawaii. In the biennial period ending December 31 there were 141 public and 48 private schools in the Hawaiian Islands; 344 teachers in the public schools, of whom 113 were men and 231 were women, and 200 teachers in the private schools, of whom 79 were men and 121 were women. In the same period there were 11,436 pupils in the public schools, of whom 6,395 were boys and 5,041 were girls, and 4,054 pupils in the private schools, of whom 2,256 were boys and 1,798 were girls. This gives a total of 15,490 pupils, of whom 8,651 were boys and 6,839 were girls.

Section 7 of the Territorial act approved April 30, 1900, repeals chapter 34 of the Civil Laws of Hawaii, providing for the "Development of resources," whereby the government was to aid in encouraging and developing the agricultural resources of the Republic, especially irrigation. The governor recommends legislation looking to the development of such water supply as may exist on the public lands, with a view of promoting land settlement, thereby enhancing the public revenues.

NEW MEXICO.

The annual report of the governor, Miguel A. Otero, shows the general progress of the Territory and the development of its many rich natural resources during the past year to have been of the most gratifying and substantial character.

New Mexico covers an area of nearly 79,000,000 acres. Of these, there are about 25,000,000 covered by entries under the Government land laws, and contained in land grants, Indian and military reservations and railway grants, which leaves available an area of about 54,000,000 acres of land, capable of supporting a population of many millions. The governor estimates the total population to be something over 225,000, exclusive of Indians, that of the latter numbering 25,329. The registered vote of the Territory is reported to be over 48,000. The governor states that he does not expect the census report for the current year will do New Mexico justice, for the reason that a system of enumeration that will answer every desired purpose in the closely populated States of the East, where all manner of cheap and quick transportation is at hand, is not adjustable to a great country like New Mexico where many of the counties are larger than some of the Eastern States, and where settlements are often 20 to 60 miles apart, and horses often the only means of conveyance.

Many census enumerators declined to serve owing to the inadequacy of the remuneration, and some who performed their duties traveled nearly 1,000 miles to secure 600 names. For these and various other reasons the governor anticipates the census of 1900 to show an increase for New Mexico of only about 20 per cent, whereas the growth in population is really much higher than this, approximately 40 per cent over ten years ago. Incorporated in his report is the full text of "The constitution of the State of New Mexico adopted by the constitutional convention held at Santa Fe, September 3–21, 1889," a comprehensive instrument which the people of the Territory desire to adopt as their guide toward progress and the full rights of American citizenship. In submitting this document, which will be laid before Congress with another plea for admission of the Territory to Statehood honors, the governor earnestly challenges its comparison with the constitutions of any of the older States, and asserts that it fully outlines the qualities of mind and character of thought representative of the people of New Mexico upon this subject.

The financial standing and credit of New Mexico is good, the Territorial 4 per cent bonds commanding a premium in the open markets of the world, and $45,000 of outstanding bonds have been purchased and retired by the treasurer during the past year. The total assessed valuation of the real and personal property was $38,452,181.30; the total Territorial indebtedness, including the bonded and floating debt

of the respective counties, is $4,178,123.09. There are 1,704 miles of railroad actually constructed and in operation, owned by ten different corporations. During the year 1899 301 miles of new railway were constructed by four different companies, and the work of extending these lines into new territory is progressing favorably. Preliminary work on several new and important enterprises of this character has been carried on during the summer and the outlook is good for large development in this line for the coming year.

The coal and iron industry is flourishing beyond all precedent. During the year many new properties have been opened, which, along with the great activity in the gold and copper districts, has given a fresh impetus to the construction of railways. In at least four districts throughout New Mexico important petroleum deposits have also been discovered within a few months, which are now receiving merited attention from capitalists. The statements of the different banks throughout the Territory show their resources at the close of the fiscal year to be $7,426,258.19. For the same period the business of the internal-revenue office for the district of New Mexico amounted to $64,781.07, more than double the receipts of any previous year.

The production of coal for the fiscal year was 1,187,334 tons, an increase over the previous year of 138,300 tons, the estimated value of which was $1,837,165, being an increase in valuation of $236,577 over the fiscal year ending June 30, 1899. The total number of tons of coke made was 42,803.30. The total number of employees in and about the coal mines is 2,015, an increase of 135 over the previous year. Seven new mines were added to the list of producers during the year. The coal trade has been very brisk. At all the mines the operators were unable to fill more than two-thirds of the orders received owing to the scarcity of miners.

Mines of copper and gold are being developed in a remarkable manner. In this respect the year has marked an epoch in the history of the Territory; never before has there been capital so ready to invest in New Mexico enterprises of this character. Many new districts have opened up good "pay" properties; old mines have resumed operations, and, with new and approved appliances for extracting the values, the mining industry may justly be said to be exceedingly active throughout the whole Territory.

Noteworthy advancement has been made in the cause of popular education; a very comprehensive review of the progress thus made is given, accompanied by vital statistics on the subject from every county in New Mexico. The Territorial school system is modeled after that of Illinois and Kansas, and a direct tax is levied for the support of such schools, varying from 1½ to 3 mills annually. Under the operation of the benign school laws and the hearty interest displayed in the enforcement thereof by the people, the illiteracy of the

Territory has decreased by leaps and bounds, and the record in this respect during the past ten years is a source of gratification. There are 52,652 children of school age in the Territory, and the total enrollment in the schools is 27,173.

The number of public schools is 576 and the number of teachers employed 706, whose average monthly pay is $39.19. In addition are the sectarian schools. The Presbyterian Church supports 25 schools, attended by 1,105 pupils; the Catholics 18, attended by 1,602 pupils; the Methodists 11 schools, attended by 426 pupils, and the New West Commission 5 schools, attended by 219 pupils. It is estimated that the percentage of the inhabitants unable to speak English will now not exceed 15 per cent. A Territorial statute compels the attendance at school of all children between the ages of 8 and 16 years at least three months in each year. Also, in the higher educational institutions, such as the University, College of Agriculture and Mechanic Arts, School of Mines, New Mexico Military Institute, normal schools, etc., for the maintenance of which liberal legislative endowment is provided, over 1,000 Territorial pupils are being educated.

Attention is called to the fact that the land commission provided for in the act of Congress donating 5,000,000 acres of public lands to New Mexico for educational purposes is fully organized and doing excellent work, which will redound greatly to the advantage of the school interests of the Territory. The fact that thousands of acres of wild lands, much of which is contiguous to water, are to be had in the Territory by complying with the United States and Territorial land laws is referred to. Much of this land is desirable for colonization purposes when ditches and water-storage reservoirs are provided. By supplying methods for irrigation large tracts of arid lands continue to be brought under cultivation. Many sections of the Territory have experienced a marked growth in this respect during the year. Immense systems of storage reservoirs and ditches are in successful operation in several of the principal valleys of New Mexico, and many new enterprises have been inaugurated within the year.

The governor states that there are still many opportunities for the investment of capital in irrigation projects, coupled with colonization and town-building enterprises, that would bring profitable returns. Agriculture generally is on a most satisfactory basis throughout the Territory. The cultivation of the sugar beet is receiving much attention, the soil and climate being peculiarly adapted to its production. Alfalfa growing is making rapid strides, as within a few years stockmen have given up entirely their old range methods and have gone to fattening their own cattle, sheep, and hogs on alfalfa produced at their homes, rather than send their stocks to Kansas, Nebraska, and Missouri to be fattened on corn. Extraordinary success attends horticulture in all its branches, and the progress in this line of production is most satisfactory.

As a result of the work of the United States Court of Private Land Claims, untold good has come to New Mexico in the final settlement of land titles. While numerous grant claims have been approved and confirmed to private ownership, at the same time some millions of acres hitherto claimed as grants have been refused confirmation and declared public domain and opened to entry under the land laws. No inconsiderable part of such lands is rich in timber, water, and coal and other minerals. During the recent term of this court, out of 716,442 acres involved, but 10,907 acres were found to comprise valid grants, and 705,535 acres were rejected as grant land and added to the public domain. At the four United States land offices in the Territory nearly 500,000 acres were filed upon under the various land laws during the year ending with the date of this report—an increase of over 40 per cent over any previous year's record.

The live-stock industry is in a flourishing condition. No business offers more profitable returns than does sheep raising and wool growing in New Mexico. There has been vast improvement in the flocks in recent years; the wool grown is of a diversified character, scaling all the way from the finest Delaine-Merino to the coarsest carpet, though the latter is becoming less each year. Practically half the wool clip, it is said, is profit to the grower. The total clip for New Mexico for the year is upward of 18,000,000 pounds. The number of sheep in the Territory is estimated to be over 4,000,000. The vast production of wool has resulted in the establishment of other industries, such as wool-scouring and wool-pulling plants and tanneries in various parts of the Territory.

Cattle inspectors report that the increase in the various sections of the Territory will run from 60 to 90 per cent for the present year. The improvement of the grade in cattle over all previous years is especially noticeable. There have been sold and delivered since January 1, 1900, 86,470 head of cattle; one and two year old steers at $15 to $20 per head for ones and $18 to $27 for twos. During the year ending June 30, 1900, 214,053 head, mostly steer cattle, were sold and removed from the Territory, amounting to about $4,000,000, and during the same period there were brought into the Territory to remain, 13,095 head, of which 5,391 were from the Republic of Mexico. The greater portion of the stock range is on public domain, On the question of leasing these lands in large bodies it is stated the sentiment that men are better entitled to the privilege of making homes for themselves and their families wherever conditions will permit it, rather than these lands shall be monopolized for the exclusive breeding of stock, seems to prevail in this Territory. The system of laws in force regulating the live-stock industry is excellent.

There are in the Territory two forest reserves; one on the Pecos River in the northern part, and one on the Gila River in the south-

western part, comprising 3,701,040 acres. This is a magnificent domain, as large as the States of Rhode Island, Delaware, and one-half of Connecticut combined. For timber and grazing these tracts are most desirable, and along the streams are splendid agricultural lands. The governor expresses the opinion that New Mexico has lost heavily in prospective growth and wealth by the segregation of this vast empire from the public domain. He admits the correctness of the principle that the preservation of the forests at the head waters of streams throughout the West protects the water supply in the valleys, but contends that all such benefits can be secured by reducing the area in these reserves, and without unnecessary restrictions or total prohibition of grazing thereon. The governor takes issue with the theory that grazing these lands destroys the timber, and makes an earnest appeal in behalf of those settlers who, as well as their ancestors for untold generations, have derived a large share of their living from grazing their flocks and herds upon these arid mountain ranges, and from which they are now barred. The rapid transformation of the Indian tribes of the Territory from semibarbarism to a reasonable degree of civilization is commented on; for years, he states, there has been no Indian disturbances, and their advancement in all the walks of a higher life is marked to an encouraging degree.

An interesting chapter in the report is devoted to the thermal springs of New Mexico, of which there are a great variety, both hot and cold, in many sections of the Territory. Much space is also given to the public health, the remarkable salubrity of the climate of New Mexico, and its effect upon tuberculosis and kindred diseases. The fact that the Federal Government has in so far officially recognized the superiority of this Territory's natural climatic conditions, an important element of wealth in itself, by establishing Government sanitariums for the sick of its military and naval branches at Forts Bayard and Stanton, respectively, is referred to by the governor in commendatory terms. Several large private sanitariums are conducted at various points throughout the Territory, and many recoveries of patients suffering from consumption, through the effects of the pure air, altitude, and sunshine, without the use of medicine or drugs, are reported.

Detailed reports are given of the status of the various eleemosynary institutions of the Territory, which show New Mexico to be in this respect fully abreast of the spirit of the times. The moral and social status of the Territory is reported as excellent, and the vast amount of data presented regarding the operations of the judicial arm of the Territorial government indicates the general good order prevailing throughout the year and the utmost security of life and property in this Territory under the present administration of public affairs.

Important explorations continue to be made in the famous cliff

dwellings in the Santa Clara and Parajito canyons, 30 miles west of Santa Fe, to which reference is also made on page 56 of this report. The governor's report contains an interesting description of some of these prehistoric communal houses, the origin of which is shrouded in mystery, which is just now exciting the minds of many of the ablest scientific students of the world, and also gives some account of the more recent discoveries, together with several illustrations of these curious ancient structures. Various entertaining theories are also presented concerning the origin and customs of these strange people who inhabited the valleys and rocky cliffs of New Mexico long before Columbus set foot in the New World.

The governor calls attention to the ruinous work of vandals and pot hunters among these cave dwellings and their burial grounds, and urges the Government to provide for their protection by the establishment of a reservation which shall include the principal mesas and canyons in which they are located, not, however, depriving the settlers in the adjacent country from the privilege of grazing their flocks and herds over the area so reserved.

An urgent appeal is made that the General Government reassume the care and control of the historical residence of the varions governors-general under Spanish and Mexican rule and known as the "Old Palace," located at Santa Fe. He recommends that this historic and interesting public structure be utilized as a southwestern branch of the Smithsonian Institution, and suggests the wisdom of establishing therein a museum made up of articles taken from the cliff-dweller region so near at hand.

OKLAHOMA.

The annual report of the governor, Cassius M. Barnes, presents the development and progress as well as industrial, social, and commercial conditions of the Territory in a most comprehensive manner.

The area of the Territory is 38,715 square miles. It is in the same latitude as Tennessee and North Carolina, and most of it in the same longitude as central Kansas and Texas. The general face of the country is rolling prairie, well watered and timbered. The rainfall is sufficient for the successful growing of most of the crops of the temperate zone, and good water can be found at a reasonable depth in all parts of the Territory. The altitude ranges from 800 to 4,000 feet, and the atmosphere throughout the Territory is pure and bracing.

The assessors' returns of the different counties of the Territory for the year 1900 put the population at 396,909, but the governor estimates the population as fully 400,000. Ninety per cent of the people of the Territory are American born, and the per cent of illiteracy is less than in 35 States and Territories.

The assessed valuation of the property of the Territory for the current year is $49,338,661, an increase of over $6,000,000 over last

year. The real wealth of the Territory is estimated to be not less than $135,000,000. But 27 per cent of the farm land of the Territory, on which people are taking abundant crops, is as yet listed for taxation, the balance still being in the name of the Government.

The Territorial tax is less than that for most of the States and Territories of the Union, being but 5.15 mills. The county tax rates are not exorbitant, and are all being reduced each year. The Territory has a bonded debt of $48,000 and a general warranty indebtedness at this time of $379,054.18.

The public schools of Oklahoma are equal to those of any State in the Union. There are 2,000 school districts. Each has from four to nine months' school held in substantial buildings and conducted by competent teachers. The school enumeration for the past year was 114,736, the number actually in attendance being 85,635 and the number of teachers in service 2,191. The taxes collected for school purposes during the year amounted to nearly $750,000.

The Territory has five higher institutions of learning—the University, Normal School, Southwestern Normal School, Agricultural and Mechanical College, and the Colored Agricultural and Normal University. The total attendance in these institutions during the past year reached about 2,000 students. Each institution has attractive, commodious, and substantial buildings of brick and stone and are equipped in every way with appliances and apparatus needed for the teaching of the various branches. The faculties of each institution embrace educators of high ability and standing, coming from the leading institutions of learning of the States. In addition to the Territorial institutions of learning, the governor enumerates half a dozen colleges and twice as many academies and private schools, located in different parts of the Territory, conducted by either religious denominations or private individuals. There are also 18 Indian schools in the Territory, conducted by the Government, with an attendance of 2,100 during the past year.

The governor pronounces the school-land department the most important branch of the Territorial government, and considers the school land of Oklahoma as a heritage of coming generations—a legacy. These lands were reserved by Congress to be given to the State of Oklahoma for disposal as deemed best, the proceeds to be used as a school and college fund and for the purpose of erection of public buildings. Through the efforts of the Territory's first governor a system of leasing was inaugurated, and all of these lands are now leased for farming and stock raising. The total proceeds from the lease of these lands since organization of the Territory aggregates $1,000,000. The receipts of the past year were $189,486.44. Out of these receipts $129,379 was distributed to the various school districts in the Territory, $22,468.38 distributed to the higher institutions of

learning, and $22,110.18 placed in the fund for the erection of public buildings. There are on hand time rental notes aggregating $523,408.25.

The social and religious conditions of the people are about the same as those which prevail in the Eastern States. There are in the Territory about 900 church organizations, with a membership of 70,000, and owning church property valued at $500,000. There are 1,000 Sunday schools, with 6,000 officers and teachers and 50,000 scholars. All of the various fraternal organizations are represented in the Territory, there being about 600 fraternal organizations, with a membership of nearly 25,000. The deaf mutes and insane of the Territory are cared for in private institutions by contract. There are 50 in attendance at the deaf-mute institute and 283 insane in the asylum. The cost of caring for the insane the past year was $67,429.03.

During the past year 603,527 acres of Goverment land were filed on in the Territory by homestead settlers. There are still vacant 5,733,385 acres of Government land. Most of this vacant land is in the western part of the Territory and adapted more generally to stock raising, although there is still some good agricultural land vacant.

There are 79 Territorial banks and 11 national banks in operation in Oklahoma. The banks are in good condition, and there has not been a failure in three years. The resources of the Territorial banks aggregate $5,147,181.51; $2,409,362.85 representing loans and discounts, and $2,340,250.03 cash on hand. The capital stock of these banks is $744,588.66, the surplus and profits $483,970.73, and deposits $3,918,622.12. They have a reserve of 60 per cent and have gained $2,419,472.43 in deposits in three years. The national banks have $1,336,965.34 in loans and discounts, $363,300 in Government bonds, their aggregate resources being $3,098,377.47. Liabilities include $525 capital stock, $40,800 surplus, $82,837.08 undivided profits, $2,042,295.15 deposits, $74,902.13 United States deposits.

There are six building and loan associations in the Territory, having about $60,000 invested in real-estate securities, and paying dividends to their stockholders from 12 per cent to 20 per cent per annum.

Forty-six fire-insurance companies do business in the Territory, the aggregate amount of fire insurance written during the past year being $15,274,519.14; premium collected, $255,425.41; losses incurred, $62,026.36; losses paid, $49,663.45. The fifteen life-insurance companies doing business in the Territory last year wrote $4,634,227 of insurance, collected $102,396.86 premium, and paid $39,873 in losses.

There are eight bond and surety and casualty companies doing business in the Territory, who collected $7,748.26 premium on $1,229,434.65 business last year, and paid $643.15 in losses.

Capital is coming to Oklahoma in large amounts and finding profitable investments.

There are nearly 1,000 miles of railway in the Territory, 200 miles having been built during the past year; every county in the Territory but two is reached by railway. The lines operating in the Territory are the Santa Fe, Rock Island, Frisco, and Choctaw, and several new lines are about to enter the Territory. Much new railway construction is projected for the coming year, eighteen railway companies, aggregating $44,270,000 capital stock, having been chartered during the past twelve months.

The commerce of Oklahoma is extensive, flour, cotton, cattle, wheat, and corn being shipped to Europe, Asia, and South America. During the past year there were shipped out of the Territory 8,000 carloads of cattle, 3,200 carloads of hogs, 134 of sheep, 197 of horses, 14,567 of wheat, 3,000 of corn, 105 of oats, 85 of castor beans, 108 of cotton seed, 165 of hay, 2,225 of flour, 1,033 of other mill stuff, 230 of melons, and 1,996 of cotton. The shipment into the Territory included 1,010 carloads of farm implements, 289 of vehicles, 735 of flour, 1,043 of immigrant movables, and 8,440 of coal.

The climate of Oklahoma is delightful. The summer is hot, but the dry, bracing atmosphere and the cool winds which blow at night take away any uncomfortableness of the season, while the winters are short and very mild. The mean annual temperature for the past nine years has been 59.5°; highest annual temperature 62°; the lowest 57.4°. During the nine years the highest temperature reached was 115°, in 1896, and the lowest 25° below zero, in 1899. The report is accompanied by three charts, showing in the most comprehensive manner the temperature and rainfall and prevailing winds in each county of the Territory for the period of nine years.

The wheat crop of the Territory this year aggregated 25,000,000 bushels, the average yield per acre being 19 bushels, although there were many yields of 35 to 40 and some even of 50 bushels per acre. The corn crop last year was about 60,000,000 bushels, and will be somewhat in excess of that figure this year. Corn is grown successfully in almost every part of the Territory, but the greater portion of the crop is fed to live stock instead of being marketed at low prices. The Territory has grown another successful cotton crop, aggregating 125,000 bales. The oat crop of the present year is estimated to reach 12,000,000 bushels. The Territory produces many varieties of fine native grasses, and most of the tame grasses do well here. Thousands who have tried alfalfa and given it proper attention have found it very profitable. Kaffir corn, broom corn, castor beans, peanuts, potatoes, beets, and all varieties of garden truck, do well in the Territory. Fully 400 cars of melons were shipped to market from Oklahoma the present year.

Farm lands are greatly increasing in price in the Territory, and there is a steady demand for them by emigrants seeking homes in

Oklahoma. The actual sales of farm lands in the Territory during the months of May and June of the current year aggregated 738 sales, transferring 108,632 acres, at an average price per acre of $11.83.

Oklahoma is developing very rapidly along the horticultural lines, and in addition to the many who are devoting themselves entirely to fruit raising, nearly every farmer is planting an orchard of from 6 to 30 acres upon his farm. Peaches, apples, pears, apricots, cherries, plums, and nectarines all do well. The peach crop of the Territory is estimated at one-half million bushels this year, and the apple crop will reach about the same figure.

The live-stock interests of the Territory are thriving; for the present year 243,103 head of horses were listed for taxation in the Territory, also 49,525 mules, 990,534 head of cattle, 43,474 head of sheep, and 245,431 hogs. All of these animals can be produced with great profit in the Territory, owing to the native pasture which is good all the year, the mild winters which require the providing of but little shelter for the animals, and the almost total absence of disease.

There are in the Territory 107 grain elevators, with an aggregate capacity of 1,860,000 bushels, and all grain is thoroughly inspected before shipment is made.

The geological survey of the Territory, begun during the present year, reveals many interesting facts about the formation of the Territory and some indications of the wealth which lies buried in the salt, coal, oil, gas, limestone, and mineral deposits of the Territory. Some copper is being mined in Beaver County, and coal is mined to a limited extent in Pawnee County and the Osage Reservation. Producing oil wells exist in the Osage Reservation, and salt is being taken from the extensive salt beds of the western part of the Territory. There are indications of rich mineral wealth in the Wichita Mountains, in the southwestern part of the Territory, and large deposits of oil, asphaltum, and gas are known to exist there and elsewhere.

The manufacturing industries of the Territory are yet in their infancy, although each town and city in the Territory has some manufacturing establishments. The total number of manufacturing establishments in the Territory aggregates about 175, employing 2,200 hands. There are, in addition, 43 flour mills, with an aggregate daily capacity of 5,825 barrels of flour.

The business of the courts has been expeditiously transacted the past year, the supreme court having disposed of 73 cases and the district courts of 2,990. The Territory has no penitentiary, and convicts are cared for by contract in the Kansas State penitentiary. There are now there 234 convicts, and the expense to the Territory for the past year was $29,860.33.

The Territory has no public buildings except her magnificent educational structures, but has a public building fund on hand of $98,072.18,

which is increasing at the rate of $25,000 per year from the rental of public building lands.

There are 13 cities of the first class in the Territory, all well governed, with police and fire protection, waterworks, lights, excellent schools, and good sidewalks and streets. There are about 100 wholesale houses in operation in these cities, employing a total of 900 hands; 115 business buildings and 486 residences are in course of erection, and many public improvements in progress. The press of Oklahoma is equal to that of any State in the Union. There are in the Territory at this time 9 daily, 139 weekly, 18 monthly, 4 semimonthly, and 2 quarterly publications.

The affairs of most of the counties are well managed. Tax rates are being reduced and all are on a cash basis.

The National Guard embraces 12 companies, who are well drilled and well organized.

The Territory was given 8 awards at the World's Columbian Exposition at Chicago on agricultural products, and 5 gold and 6 silver medals at the Omaha Exposition. Oklahoma also has samples of her products at the Paris Exposition this year and contemplates participation in the Pan-American Exposition at Buffalo next year, and the World's Fair at St. Louis in 1903. At the Omaha Exposition one of the medals was for the exhibit showing the greatest variety of farm products in any one State.

The Indian population of the Territory the governor estimates to be at 12,980, and declares that the allotment of lands, citizenship, and cutting off of government rations is certainly the solution of the Indian problem. Interesting descriptions of the life of the various Indian tribes and their present conditions are given. There have been no Indian reservations opened in the Territory during the past year, there being still 5,438,139 acres embraced in Indian reservations. The passage of an act providing for the opening of the Kiowa and Comanche Reservation, the governor states, has attracted much attention from all parts of the Union, and hundreds of people are already coming to the Territory to await the opening of the lands next year, while thousands are writing for information. The reservation embraces 2,968,893 acres of land, but after the various deductions are made for reservations, allotments, school and college lands, etc., there will be but 1,340,317 acres left for settlers. Of this, probably one-fourth will be mineral or waste land, and will leave about 8,000 quarter sections of desirable land for settlers, the greater portion of them suited for general farming and stock raising.

In closing his report the question of statehood is taken up by the governor, who declares that—

the Republican party conventions of the Territory have repeatedly resolved in favor of statehood for Oklahoma, with such conditions and additions as Congress may deem best, and the allied parties in opposition demand immediate statehood, with Okla-

homa and Indian Territory as a single State, while both the Democratic and Republican national conventions promise statehood to Oklahoma in their respective platforms. It is therefore reasonably certain that in the near future Congress will pass an enabling act, and that Oklahoma will soon be admitted as a State.

The prosperous conditions prevailing in Oklahoma—population, area, and wealth—as shown by the four annual reports which I have had the honor to submit to you and to compare to like conditions prevailing in the large number of States at the time of their admission into the Union, amply justify their claims for statehood. We have a larger population to-day than either of the States of Delaware, Idaho, Montana, Nevada, New Hampshire, North Dakota, Utah, Vermont, or Wyoming. We polled a larger vote in 1896 than either of the States of Delaware, Florida, Montana, Nevada, North Dakota, or Rhode Island. We have, as now organized, a larger area than any of the following-named States, viz: Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, or West Virginia.

The actual wealth of Oklahoma is not less than $135,000,000; the assessed valuation of taxable property for 1900 is more than $49,000,000, which is more than one-half greater than the assessed valuation of either the States of Wisconsin, Arkansas, Florida, Iowa, Oregon, Minnesota, California, or Kansas at the time of their admission. The average population of the twenty-two States next admitted after the original thirteen was 77,380, the greatest population of any one of them being 180,000, while the present population of Oklahoma is 400,000.

The enumeration of school children in the Territory for 1899 was greater than the population of twenty of the States at the time of their admission into the Union.

The citizenship of Oklahoma is very largely composed of intelligent and educated people, American-born, and raised in the various States about us, who know the obligations and are willing to assume the full responsibilities of statehood.

PORTO RICO.

COMMISSIONER OF THE INTERIOR FOR PORTO RICO.—Section 24 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and other purposes," provides as follows:

> That the commissioner of the interior shall superintend all works of a public nature, and shall have charge of all public buildings, grounds, and lands, *except those belonging to the United States*, and shall execute such requirements as may be imposed by law with respect thereto, and shall perform such other duties as may be prescribed by law, and make such reports through the governor to the Secretary of the Interior of the United States as he may require, which shall annually be transmitted to Congress.

The report of the commissioner of the interior of Porto Rico contains many matters of great interest concerning the social and economic condition of that island. Mr. W. H. Elliott, the commissioner, assumed his duties on June 15 and his report is dated September 15; therefore the period covered is but three months. The report summarizes, however, the condition of all matters intrusted to his department at the time of assuming control. The department has been organized as follows:

It includes (1) a board of public works, of three members, to which has been committed the care of public buildings, matters relating to

harbors, shores and lands, railways, highways, bridges, streams, canals, irrigation, marsh lands, aqueducts, and all works, whether by the Government or under concessions, relating to the public domain; (2) a board of charities, composed of six members; (3) a board of health, composed of five members, which has control of all sanitary matters; (4) a bureau of agriculture and related industries, which includes a division of mines and minerals.

With the exception of the military road from San Juan to the playa at Ponce, and a branch from Cayay to Guayama, with a few short roads leading out of other towns, which have been built by Spanish authority for military purposes, there were at the time of American occupancy no good roads on the island. Most of the roads were impassable for wheeled vehicles, except in dry weather, and many of them even at that time. The Spanish Government had plans for an extended system of roads covering the island and connecting all important points, and contracts for a portion of this system had been made at the time of American occupancy. This plan is in process of execution, much progress having been made while the island was under military control, and progress is being continued under civil administration. There is nothing more needed for the amelioration of the social and economic condition of the people of the island than the construction of good roads, which will enable them to market their products, will enable the children to attend schools, and will generally bring the people into closer relations with one another.

The report shows a list of 39 public buildings claimed by the Government, including 22 in San Juan, 4 in Ponce, 2 in Mayaguez, and 3 in Aguadilla.

While there has been no epidemic of disease among the people of Porto Rico during the period for which this report was made, the death rate has been large in the island in several places, notably Ponce and Adjuntas. The commonest cause of death appears to be anæmia, brought on by poor nutrition and unsanitary surroundings.

There is a small amount of leprosy in the island, the victims of this disease being estimated at about 100. Seventeen of them have been collected in an asylum at Puerta de Tierra.

Notwithstanding its fertile soil and favorable climate, agriculture in Porto Rico is in a backward condition, due to ignorance of the common people regarding the subject. It would appear that in this field, by education and introduction of modern implements and machinery, enormous progress can be made.

The principal export crops of the island are coffee, sugar, and tobacco. The commissioner estimates that during the past year there were in round numbers 181,000 acres planted in coffee, 80,000 in sugar-cane, and 15,300 in tobacco, which, with 104,000 acres planted in mis-

cellaneous crops, makes a total of 479,000 acres of cultivated land, or about 21 per cent of the entire area of the island.

The mineral resources of the island are trifling. In the first century of its occupation by Spaniards much gold was mined from placers, and it is still found in small quantities in the stream beds, from which it is washed in a small way by the poorer people. Deposits of iron ore are reported in the eastern part of the island, but none are being worked. A little salt is produced from the salinas near the coast.

The Commissioner finds the utmost difficulty in the identification of the public lands, owing to the extremely loose and careless manner in which public lands have been alienated by the Spanish Government.

Referring to the unreliable condition of the public records regarding the ownership of public lands, he states, in effect, that the archives of the island of Porto Rico having been kept in such a disordered condition, many expedientés, or records, of cases have never been closed, and are mixed with those disposed of. Rearrangement and classification are necessary in order to untangle the mass of cross titles, duplication, and lapping of grants and concessions, and unauthorized occupation of lands that have grown with the centuries of rule in the interest of the favored few; during the early history of said island the governors and captains-general held or assumed the right to make grants of lands; grantees appropriated extensions of their original boundaries, and their successors claim ownership. In 1818 a royal schedule was issued granting lands to all persons who would engage in agriculture, with certain agreements attached thereto, forfeiture to the State being the penalty for noncompliance with the terms of the grant. Concessions were numerous, many grants were abandoned, some were returned to the State, and many taken possession of by intruders.

The report of the commissioner of the interior for Porto Rico shows that there are approximately 98,035 cuerdas of public lands in the island and 37,022.93 square meters in vacant lots in San Juan, which may be increased or decreased as the result of future examination.

Recently an application was presented by an occupant of certain lands in Porto Rico, alleged to be Crown lands, for survey thereof; this application was necessarialy rejected for the reason that Congress had made no provision for the survey and disposal of lands in said island, which, under the cession from Spain, inured to the United States.

I have therefore to recommend that legislation be enacted by Congress specifically conferring upon the Secretary of the Interior supervision over the public lands in Porto Rico; that suitable means be adopted by commission or otherwise to ascertain the location and quantity of lands title to which remain in the Crown at the date of cession of Porto Rico to the United States; that necessary appropria-

tions coupled with authority for surveys be made, and that the methods of the disposition of such lands be prescribed by law.

COMMISSIONER OF EDUCATION FOR PORTO RICO.—Section 25 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," which provides as follows:

> That the commissioner of education shall superintend public instruction throughout Porto Rico, and all disbursements on account thereof must be approved by him; and he shall perform such other duties as may be prescribed by law, and make such reports through the governor as may be required by the Commissioner of Education of the United States, which shall annually be transmitted to Congress.

The report of M. G. Brumbaugh, commissioner of education, on education in Porto Rico, dated October 15, 1900, shows what has been accomplished in the short time that elasped after the commissioner entered upon his duties on August 4, 1900, and contains suggestions for a number of improvements, which will receive early attention. On July 1, 1900, the "model and training school," a new structure which had been erected under the supervision of Commissioner Brumbaugh's predecessor and containing all the records of the department of education, was destroyed by fire, together with all its contents. The loss included much school material and supplies.

It was deemed advisable by the commissioner to make a per capita assignment of schools, as in many populous wards no schools could be opened owing to the insufficiency of the appropriation available. By this plan some municipalities were assigned a large number of schools, and it was asserted that this increased number would not be provided for by the local boards. Such, however, did not prove to be the case, but the boards rented houses, employed teachers, and opened the schools on time. Where the conditions were made perfectly clear and the plan was reasonable, the boards were willing and ready to act, says the commissioner—a remark which speaks well for the disposition of the Porto Rican local authorities. The people want schools, he continues, and the pupils will attend them. In 1899, 616 schools were opened in Porto Rico. In 1900 the department will maintain at least 800 schools, an increase of 30 per cent, which will provide for nearly 9,000 additional pupils.

In 1899 there were 67 Americans in the teaching force of the island. Since October 1, 1900, the number has increased to 100. The commissioner criticises one class of teachers who are "seekers after novelty and new experiences, who imposed upon the administration and the children, and who used the salary and position of teacher solely to see a new country for a year and then return. * * * The people of Porto Rico have patiently borne with these adventurers, and quietly longed for their departure." This class of teachers is now gone and the newly selected American teachers have some knowledge

of Spanish and are graduates of universities, colleges, and normal schools in the States, and are for the most part young men and women of ability and discretion.

The salaries of American teachers were fixed by law at $40 per month for nine months in cities of less than 5,000 population. In cities of larger population the salary was $50 per month for nine months and both are inadequate, although at the time the salaries were fixed the War Department provided free transportation from and to the United States. This transportation may now be withdrawn at any time, and the small inducement held out by the meager salary offered to teachers is not calculated to invite the best class of them to the island.

The new normal and industrial school at Fajardo, which was to have been established by the joint efforts of the local municipality and the American Government, was only so far advanced that the land had been purchased by the end of September, 1900. The normal department was opened October 1, in a rented building, while the industrial department can not be opened until suitable quarters are provided. The commissioner recommends that the United States make this place the site of an agricultural experiment station for which it is preeminently fitted. On account of the industries of the country—coffee, sugar, tobacco, and fruit—agriculture could be well studied here, and free boarding, lodging, and tuition would be given the students, who would be for the most part poor boys and girls.

As to the school accommodation, the commissioner states that there are no public school buildings in Porto Rico. The schools are conducted in rented houses or rooms which are often unfit for the purpose, and the hygienic conditions are bad. There is a wide field, or rather a demand, for improvement in this direction, as well as in the school equipment and material. In 1899, $33,000 was expended for schoolbooks, and in 1900, $20,000 will be expended for books and supplies, which shall be free. In the United States "free books" means usually their purchase by local boards and free use by the pupils. In Porto Rico the books and supplies will be free to the pupils without expense to the local boards.

A pedagogical museum and library has been established for the benefit of teachers and others. About 300 volumes have been contributed to the library from friends in the States, and the Department will make the number up to 500 by purchase. A library of 5,000 volumes of standard Spanish and American literature was found in a building in San Juan, which has been installed in suitable rooms as a public library.

Many of the leading institutions of the United States have responded cordially to the application of the Department of Education on behalf of young Porto Ricans who wish to prosecute their studies in colleges and universities. Some have offered free tuition, some have added

free lodging, while others have offered even free living to all such students as wish to avail themselves of their instruction. Many young Porto Ricans have availed themselves of these generous offers.

There are now 800 schools in Porto Rico, and 38,000 pupils attending them, while there are 300,000 children of school age for whom there are no accommodations. But the commissioner expresses the hope that gradually the great illiteracy in Porto Rico will be reduced, and the people prepared for the duties of citizenship in a democracy by means of the schools that shall be established. With sufficient funds schools could be provided for 200,000 children in a very short time.

The total expenditure for education in Porto Rico from the 1st of May to the end of September was $91,057.32.

INSPECTORS OF COAL MINES IN THE TERRITORIES.

THE INDIAN TERRITORY.—Luke W. Bryan, mine inspector, reports that the coal industry has felt the stimulus of progress and prosperity that has marked the year throughout the entire country. New mining companies have been organized and the old companies, with a single exception, have increased their output.

A few operators have perfected leases under present rules and regulations, some are operating under contracts with Indian tribes, but the larger number have applications pending for leases. A more detailed statement regarding these leases and the policy of the Department relative to the matter will be found on page — of this report.

The mine inspector states that operators have always been ready to cooperate in his efforts to lessen risks and dangers. Most of the companies have instituted rules governing the operation of their mines which tend to lessen the accidents. In nearly every case all reasonable precautions against accidents have been taken.

The output of coal for the fiscal year was 1,900,127 tons, an increase of 495,685 tons over the preceding year, and 5,272 men were employed, as against 4,005 during the last year.

During the year there were 89 accidents, 40 of which were fatal. Falling roofs and explosions of gas or fire damp are the most frequent causes of accident. The rules and regulations relating to shot firers have been so strictly enforced that accidents from coal-dust explosions have been almost eliminated.

In addition to the casualties above-mentioned, the inspector states that—

During the month of October, 1899, the smallpox broke out in the Choctaw Nation. This disease was especially prevalent among the miners, and more particularly among the colored miners. Detention camps were built and energetic measures taken to stamp out the disease. Quarantines were established and all suspected cases held for development. There being no municipal organizations in the Territory, the duty

of caring for the sick devolved on the Choctaw and national authorities. Inspector Wright and Indian Agent Shoenfelt took hold of the matter vigorously, and a medical board was appointed by the Choctaw authorities. The disease continued more or less prevalent during the whole of the winter months, causing impediment to traffic and business, suspension of courts, and doing incalculable harm to all business industries, and more especially to the coal industry. By the constant care and caution used to repress and eliminate the disease it was kept down to as low a point as the facilities existing could effect, and with the advent of warm weather disappeared—it is to be hoped not again to return.

The manufacture of coke in the Indian Territory is assuming considerable proportions. The coal is peculiarly well adapted for this purpose, containing the proper proportion of volatile hydrocarbons to constitute a good coking coal. The total production of coke in the Indian Territory for the past year is 47,800 tons.

The report gives in detail the improvements instituted bythe various companies in their equipments.

NEW MEXICO.—John W. Fleming, mine inspector, reports that the conditions of the mines in the Territory are steadily improving. Everything requested relative to the betterment of the sanitary condition and ventilation of the mines has been promptly done by the officials and operators. Experience has demonstrated that it is the intention of the mine owners and those in charge to comply fully with the requirements of the mining laws and regulations.

The roadways are kept sprinkled to avoid dust explosions, and safety lamps are used where gas is known to generate. All the mines inspected during the year, except Nos. 7 and 8 at Capitan, belonging to the New Mexico Fuel Company, the Union Mine at Gallup, and the Kutz and McBroome mines at Monero, which have very little development work done, have the second outlet driven, affording a ready escape from the mines in case of fire or explosions.

The production of coal for the fiscal year ended June 30, 1900, is as follows: Bernalillo County, 548,150 tons; Colfax County, 399,206 tons; Rio Arriba County, 35,706 tons; Lincoln County, 88,060 tons; Santa Fe County, 110,212 tons; Socorro County, 6,000 tons, making a total of 1,187,334 tons, the estimated value of which, at the mines, is $1,837,165. The production shows an increase of 138,300 tons over the previous fiscal year, and an increase in the estimated value of $236,577.

The production of coke at the Waldo Coke Ovens, Santa Fe County, for the fiscal year was 21,953.50 tons; at the Gardiner Coke Ovens, at Gardiner, Colfax County, 18,310.80 tons. The coke made at both of these ovens is made from Starkville slack, from the Starkville mine, situated in Las Animas County, Colo. The production of coke from the Raton Coal and Coke Company's ovens, at Gardiner, N. Mex., was 2,539 tons, making the total amount of coke produced in the Territory during the fiscal year 42,803.30 tons.

The total number of persons employed in and about the mines was as follows: Miners, 1,658; day men, 267; boys, 90; making a total of 2,015. There were 15 fatal and 25 nonfatal accidents.

Of the 31 mines operated during the year, a majority are operated by a slope, double entry, room and pillar method, while the others are operated by drift, double entry, room and pillar, or drift, and single entry, except the Crown Point mine, which is operated by a double compartment shaft, double entry, room and pillar. The latter mine was abandoned on April 3.

The mine inspector again calls attention to the inadequacy of existing law to properly protect the lives of the miners in the Territory, and renews his previous recommendations for its amendment. Attention was directed to these in my last annual report, but no action in the matter has as yet been taken by Congress.

NATIONAL PARKS AND RESERVATIONS.

YELLOWSTONE NATIONAL PARK.

The Yellowstone National Park, set aside by act of March 1, 1872 (17 Stats., 32), is located in the States of Montana and Wyoming, and has an area of 2,142,720 acres. The average altitude is about 8,000 feet.

Capt. George W. Goode, First Cavalry, U. S. A., acting superintendent, reports that he took charge July 24, 1900, relieving Capt. Oscar J. Brown, First Cavalry, U. S. A., whose troop was ordered to the East for service with the regiment in China or the Philippine Islands; G Troop, First Cavalry, replacing M.

The acting superintendent states that his work has been mainly routine, as he took charge of affairs at the height of the season under established conditions in regard to tourist travel. The disposition of details of soldiers at different stations has been continued, but some changes will be made during the winter to better protect the game from hunters.

The snowshoe cabins throughout the park are most effective for protection during winter, the scouts being able to cover practically the entire reservation and penetrate localities otherwise inaccessible at a time when poachers are at work.

The civilian scouts know the country and are trained woodsmen in all seasons, whereas the soldier, as a rule, is replaced before he has time to become proficient in such duties.

The total number of visitors to the park during the season was 8,928. The aggregate number carried over the regular route by the Yellowstone National Park Transportation Company was 2,664; by the Monida and Yellowstone Stage Company, 437; aggregate number

traveling with licensed transportation, 1,276; aggregate number carried by private transportation, bicyclers, etc., 4,551.

During the season 3,530 tourists took the trip across Yellowstone Lake with the Yellowstone Lake Boat Company. Of this number 1,816 entered the park with the Yellowstone National Park Transportation Company, 222 with the Monida and Yellowstone Stage Company, 771 with W. W. Wylie, and the balance, 241 people, were other campers.

The hotels, ranch stations, and the Wylie permanent camps are conducted in a manner to give satisfaction to their patrons.

There has been no change in the matter of transportation. The two principal lines, the Yellowstone National Park Transportation Company and Monida and Yellowstone Stage Company, are well equipped and give excellent service. The Wylie Company (for permanent camps) and other licensees to personally conduct camping parties have rendered satisfactory service.

The past season has been remarkably dry, nothing like it being known in the park, and as a consequence the danger from fire was excessive. The patrols were frequently called upon to extinguish small fires in all parts of the park where camping parties were found. Three fires threatened to be of serious proportions. One on September 2, 6 miles west of Yancey's, set through the carelessness of a teamster, was extinguished before it reached the timber; one in Gardiner Canyon, about 3 miles from Fort Yellowstone, September 3, presumably started by a lighted cigar thrown down by a party passing over the road in a wagon, was held in check by a detachment from the post, assisted by 20 roadmen from the force employed by Captain Chittenden, Corps of Engineers; the fire was kept under control for about ten hours and extinguished by rainfall the following night. The most serious fire during the season was reported July 29, west of the Thumb, apparently near Shoshone Lake. Every available man was sent to the scene of the fire, where Lieutenant Amos joined them August 1, and for about a month, with the assistance of men furnished by Captain Chittenden, the fire was held under partial control, depending upon the condition of the wind and character of the timber growth, until rain and snow, August 24, extinguished what remained. The fire at one time threatened the destruction of the timber in the park and the interruption of tourist travel. The high winds were for several days unprecedented and the small force available seemed helpless to make any impression.

With the exception of the bison (American buffalo) all varieties of game, including antelope, bear, beaver, coyotes, deer elk, moose, sheep, and mountain lions, are increasing, notwithstanding that the antelope range in winter over the north boundary and the elk in the fall over the south boundary, where many are killed. Twenty-nine

head of buffalo were counted by the scouts last winter, and there were possibly 10 more in the park that were not seen.

The acting superintendent states that unless stations are located near the two southern corners of the reservation and the force of scouts increased the buffalo will be exterminated in a few years. With that addition to the facilities for protection they can be preserved and will increase.

The trout in Willow Creek and Glen Creek, although apparently as numerous as ever, are so small as to indicate the advisability of prohibiting fishing in those streams during next season. The other streams throughout the park are full of fish of good size, notwithstanding the large number taken out every season.

Twelve cases of violation of the act of Congress providing for the protection of birds and animals in the park were tried before the United States commissioner; 9 of the defendants were fined and 3 were discharged.

The advisability of extending the boundaries of the Yellowstone National Park has heretofore been brought to the attention of Congress, but no legislation on the subject was enacted; the matter, however, is important and should receive early consideration. The necessities of the case were fully set forth in the report of my predecessor in office for the year ended June 30, 1898, wherein he stated, among other things, that—

Under date of February 1, 1898, there was transmitted to Congress a report made on the 12th of January, 1898, by Col. S. B. M. Young, Third United States Cavalry, then acting superintendent of the park, recommending the extension of the limits of the park, and submitting a draft of a bill with a view to carrying the same into effect.

The boundaries, as suggested in said bill, which are indicated on a map accompanying the same, would extend the limits of the park so as to embrace the Yellowstone Timber Land Reserve, which lies on the east and south boundaries of the park, and comprises about 1,914 square miles; all that portion of the Teton Forest Reserve lying east of the summit of the Teton Range and comprising about 1,050 square miles, and adjoining the Yellowstone Timber Land Reserve on the south; together with an unreserved area of about 30 square miles at the southwest corner of the park, in Idaho, and an unreserved area of about 260 square miles at the northwest corner, in Montana.

In the forest reserves are fine bodies of timber which it is important should be preserved from fires because of its value as timber, as well as the protection to watersheds and against fires running into the park.

It is reported that during the winter months the large game from the National Park herd roam to a very considerable extent in the areas proposed to be included within the park, and they should have all protection possible from destruction by marauders, who are constantly on the watch for game as it roams out of the park limits. The State game laws are applicable to the forest reserves, and for this reason it is impracticable to prevent the killing of game in the reserves in the same manner and to the same extent as it is prohibited in the park. The superior discipline of regular troops makes a more effective patrol than the civil forest officers, and cavalry can cover a greater extent of territory with more expedition, and is better able to cope with trespassers than are forest rangers.

In view of the importance of protecting this country, which has an international reputation on account of its scenic beauties, and to throw additional safeguards about the big game whose natural home is the National Park, and to protect more effectually the timber embraced in the forest reserves adjoining the park, I think it a wise policy that the additional areas herein described be embraced in and placed under the laws and management relating to the Yellowstone National Park.

APPROPRIATIONS.—The act of Congress approved March 1, 1872 (17 Stats., 632), now sections 2474 and 2475, Revised Statutes of the United States, sets apart the lands therein described near the head waters of the Yellowstone River as a public park or pleasuring ground for the benefit and enjoyment of the people, placing it under the exclusive control of the Secretary of the Interior. It imposes upon him the duty of making rules and regulations for the proper care (protection) and management of the reservation, authorizes him to lease parcels of grounds therein and to expend the proceeds of such leases in the management of the park and the construction of roads and bridle paths therein, etc., and further authorizes him to take all such measures as may be necessary or proper to fully carry out the objects and purposes of the act.

Pursuant to such authority, leases of ground for hotel and other purposes, transportation and other privileges for the accommodation of the traveling public in the Yellowstone Park have, from time to time, been granted, and the revenues derived therefrom applied to the purposes specified in the statute.

From 1878 to 1886, inclusive, the appropriations made by Congress in the acts of June 20, 1878 (20 Stats., 229), March 3, 1879 (20 Stats., 393), June 16, 1880 (21 Stats., 273), March 3, 1881 (Id., 451), August 7, 1882 (22 Stats., 329), March 3, 1883 (22 Stats., 626), July 7, 1884 (23 Stats., 211), March 3, 1885 (Id., 499), August 4, 1886 (24 Stats., 240), for the protection and improvement of the Yellowstone National Park, were expended under the supervision of the Secretary of the Interior.

By the act of March 3, 1887 (24 Stats., 531), supervision of the expenditure of appropriations for the *improvement* of the Yellowstone National Park was transferred to the Secretary of War, and subsequent appropriations for such purposes up to June 30, 1894, were expended by that officer.

By the act of March 2, 1895 (20 Stats., 945), appropriation was made for the *protection* as well as the improvement of the Yellowstone Park, to be expended under the direction of the Secretary of War, and similar language has been employed in subsequent acts making appropriations for the park.

From August 4, 1886, until March 2, 1895, during which period there was no specific appropriation for the protection of the park, allowances were made by the Department from the park fund for

expenses necessary in protecting the reservation. Since the latter date the only expenditures authorized by this Department from the park fund have been such as have arisen in connection with the "management" of the reservation, except in two instances, namely, in June of 1898, when the acting superintendent of the park requested an allowance of $129.50 to pay for services rendered for protecting the game, an exigency existing and there being no funds available from those appropriated by Congress under the supervision of the Secretary of War.

The line of demarcation between the expenses attendant upon the "protection" and "management" of the reservation is so close that it has been difficult to determine in many instances from what particular fund, under the law, the same should be paid. The greatest care, however, has always been observed in passing upon proposed expenditures from the park funds for park purposes in order that payment should not be authorized by this Department for expenses chargeable to "protection" and which should properly be presented to the Secretary of War for settlement.

In September of 1899 the acting superintendent of the park requested authority to purchase certain articles required in the management and protection of the reservation from the funds under the control of this Department derived from the privileges in the park, which was referred to the Comptroller of the Treasury for an expression of his views as to whether the Department was authorized to make payment for the supplies desired by the superintendent from such park fund. On January 11, 1900, the Comptroller rendered an opinion holding that the legislation making specific provision for improvement and protection of the park—

has been to take all direction of expenditures for improvement or protection from the Secretary of the Interior, and, by implication, to make any such expenditures improper charges against the revenues of the park which are controlled by him, *although, if the provisions of section 2475, Revised Statutes, are now in force*, there still remains authority with the Secretary of the Interior to expend that fund in the "management" of the same.

It therefore follows that while it may at times be difficult to distinguish between expenses of "management," and of "improvement" or "protection," all such expenses as clearly belong to the two latter classes must be held to be payable solely from the appropriation, and not from the revenues of the park, or interchangeably from either fund. It is a well-settled rule of construction of the accounting officers that where an appropriation is made for a specific object, that appropriation is exclusive, although there may be another appropriation which but for the special appropriation would have been available, and that the fact that the specific appropriation is inadequate or has become exhausted does not make the other appropriation available. (1 Comp. Dec., 126, 236, 417; 3 id., 353.)

The effect of this decision has been to greatly handicap the Department in the management of the park, rendering it exceedingly difficult to determine with any degree of certainty what is or what is not a

proper expenditure from the park funds, and I do not see how any relief can be afforded except through Congressional action.

The authority vested in the Secretary of the Interior under sections 2474 and 2475, Revised Statutes of the United States, has not been modified by any express legislation, except as regards the expenditure of the appropriations for "protection" of the park and the construction of roads and bridle paths therein. He is still charged with the responsibility for the proper management and protection of this reservation, and this view of the case was no doubt taken by Congress when it passed the act of May 7, 1894 (28 Stats., 73), "to protect birds and animals in the Yellowstone National Park, and for other purposes," wherein reference is made to the supervisory authority of the Secretary of the Interior over the reservation.

I have therefore to recommend that Congress, in providing for the protection and improvement of the Yellowstone National Park for the ensuing fiscal year, set aside a specific sum for the protection of the reservation, to be expended under the supervision of the Secretary of the Interior, the amount to be allowed for improvements in the park to remain as at present under the Secretary of War; also, that the Secretary of the Interior be authorized, in his judgment, to expend the proceeds of the leases, etc., in the park for the protection thereof as well as its management. The Secretary of War, to whose attention my views of this matter have been presented, concurs in my recommendation as to the proposed change in making the appropriations for the Yellowstone National Park.

YOSEMITE NATIONAL PARK.

Maj. L. H. Rucker, Sixth Cavalry, U. S. A., acting superintendent, reports that he arrived with Troop F, Sixth Cavalry, at Wawona, Cal., June 3, 1900. Soon thereafter telegraphic instructions were received from the department commander to keep the troop concentrated in anticipation of its being sent to the Philippines. On July 17, these instructions were removed.

The first patrol was sent out July 18, 1900, and thereafter patrols were kept moving through different parts of the reservation to prevent trespassing and depredations.

Yosemite National Park is situated in Tuolumne, Mariposa, and Mono counties, Cal., and has an area of 1,512 square miles. It entirely surrounds Yosemite Valley, which was granted by act of Congress approved June 30, 1894, to the State of California as a public park.

The land embraced in Yosemite Park was set aside by act of Congress approved October 1, 1890 (26 Stat., 650), and the Secretary of the Interior authorized to prescribe regulations for its government. No provision, however, was made by Congress for the enforcement of such regulations until the passage of the act approved June 6, 1900

(31 Stat., 618), under which the Secretary of War was authorized and directed, upon the request of the Secretary of the Interior, to detail troops for the protection of the park. Previous to this the detail of officers and troops for the protection of the reservation was solicited from year to year, and accorded by the War Department as a matter of favor.

During the season one flock of about 4,000 sheep found in the park were scattered and the herders brought to headquarters and sent out of the park. Other flocks have invaded the borders of the park but had gone before the patrols could reach them. The meadows are not eaten off and have not been injured by any trespassing that has occurred. Very few cattle have been found in the park, and the owners of patented lands have shown a disposition to conform to the rules and regulations of the park.

The boundaries of the reservation should be properly monumented and blazed, so that patrols, as well as others, may know the reservation limits. Under present conditions it is difficult to determine where the boundary lines are, and often causes ill feeling between the troops and civilians. The cost of properly monumenting and blazing the boundary lines would be considerable, but its usefulness would be of incalculable value and save any discussion as to where the line runs.

It is difficult to keep out hunters, as they can enter and leave without being observed. Twenty-three firearms have been taken from persons entering and found within the park limits. The game in the reservation, principally deer, quail, and grouse, are plentiful and appear very tame, indicating that they have not been hunted.

The acting superintendent states that when the snow falls the animals are driven from the mountains and off the reservation and are slaughtered. He adds that in some known instances county officials living in the vicinity of the park have killed game on the reservation, setting a bad example for the civilians, and showing by their actions their disregard for laws and regulations which their duty requires them to enfore.

During the season 5,000 tourists and campers have visited Yosemite Valley.

Only one forest fire has occurred, probably caused by lightning, and was extinguished by the troops before any damage was done.

Much of the land in the park, the acting superintendent states, is owned by individuals, the title thereto having been acquired before the setting aside of the reservation. He expresses the opinion that the Government should own all the land inside the park, and none be given over to private use; furthermore, that the purchase of all patented lands within the park would inure to the benefit of the United States. The necessity for the extinguishment of these private holdings in the park in order that all the lands therein should be under one

control, thereby facilitating their protection, has been repeatedly brought to the attention of Congress. My immediate predecessor in office recommended, as a solution of the matter, that so much of the act of Congress approved June 4, 1897 (30 Stat., 36), as permits the relinquishment by owners of tracts of land in the several forest reservations, and the selection in lieu thereof of vacant lands in other localities, which are open to settlement, be extended to these parks.

In concurring in his conclusions in the matter, I urged in my last annual report that favorable legislation be had in the premises by Congress, provided the exchange of land could be made on an equitable basis, and this recommendation I desire to renew.

By act of Congress approved June 6, 1900 (31 Stat., 618), $4,000 was appropriated for the protection of the park, the construction of bridges, fencing, trails, and improvement of roads, other than toll roads, to be expended under the supervision of the Secretary of the Interior.

Pursuant to the authority contained in this act, contracts were entered into for the construction of a bridge over the Merced River, for $1,800, and for the repair of a trail from the bridge over the Merced River to where it connects with the Coulterville wagon road running into the Yosemite Valley, a distance of 14 miles, for $1,500. The construction of the bridge is in progress and work on the trail is advanced. When completed, these improvements will be of great benefit to the troops detailed for the protection of the reservation, as well as to the inhabitants of the Yosemite Valley.

In the sundry civil appropriation act, approved March 3, 1899 (30 Stat., 1100), provision is made for the appointment, by the Secretary of War, of three commissioners—one from the Engineer Corps and one from the officers of the Regular Army of the United States, to act without compensation, and the third a civil engineer and member of the department of highways of the State of California, to be paid his actual expenses—to act as a commission to examine and determine the lengths, widths, elevations, grades, conditions, ownership, cost of construction, present values and annual cost of maintenance, rates and toll charged, annual tolls collected, and the length of the season open to travel, and actual travel of the public over certain toll roads therein described, etc., and to make report as to the result of such investigation to this Department.

The commission appointed by the Secretary of War, pursuant to this authority, submitted a report in December, 1899, which has been printed by order of the Senate as Senate Doc. 155, Fifty-sixth Congress, first session. From this it appears that there are four toll roads built under the laws of California, and owned by individuals and corporations, leading in to the Yosemite National Park, three of which find their termini in the Yosemite Valley grant, which is within the national

park, as follows: (1) The Big Oak Flat road, 19.03 miles of which are within the park, the original cost of construction was approximately $40,000; (2) The Coulterville road, 24.26 miles of which are in the park, the original cost of construction being approximately $75,000; (3) The Wawona road, 25½ miles of which are in the park, the original cost of construction being approximately $76,750, and (4) The Tioga road, 51 miles of which are within the limits of the park, the original cost of construction being approximately $62,000. The commission estimates that at the present time it would be practicable to construct the Big Oak Flat road for $30,000, the Coulterville road for $50,000, the Wawona road for $70,750, including bridges, and the Tioga road for $58,000.

In discussing generally the matter of roads in this reservation the commission states:

> At the present time, although this is a public park, an embargo has been laid upon travel, in that all who wish to visit it must pay tribute in the way of tolls to the owners of the roads. It would appear that if the park is a free one for the people, access to it should also be free. This can be accomplished by the Government, and it would seem to be its duty either to purchase the existing roads or to construct new free roads. It would not appear, however, to be just for the Government to construct a new road without making compensation for the existing roads, in that the construction of a new road, free of tolls, would mean the diversion of all the travel from the toll roads to the free road, which would be practically a confiscation of the toll roads. In addition to this, it would appear exceedingly advantageous for the Government to own all the roads within the park, for in this way only can entry into the park be controlled.
>
> Moreover, the lands within the Yosemite National Park having been excepted from entry, the value of the toll roads has been depreciated, and through no fault of their owners; and inasmuch as this large area has been withdrawn from settlement or utilization in any manner save as a park, it would be only right that it be made a park in fact as well as in name.
>
> Furthermore, while the existing roads are necessary for patrolling the park by the troops guarding it, still the means of communication are extremely inadequate. Again, the cost of transportation of supplies to the troops, now carried on by means of pack trains, could be lessened to a great extent, and fires, which are a constant menace to the park, could be more readily extinguished were additional roads built, and the Secretary of the Interior would have better means to carry out the regulations for the government of the park.
>
> By making free all these existing roads, and the construction of new ones as suggested, all portions of the park could be easily reached. Following along the Tioga road a series of lakes and streams are passed that are unequaled for fishing. The scenery is particularly grand, and there are found here a number of mineral springs which are equal to any of the famed springs of the country.

The matter of the purchase of the toll roads in this reservation has heretofore been brought to the attention of Congress, but without action by that body. Inasmuch, however, as the delegation in Congress from the State of California has recently urged the purchase of these toll roads and the making of travel over them free, as California has done regarding similar roads in the Yosemite Valley grant, I deem it

advisable to submit this matter for your consideration, with a view to the enactment by Congress of such legislation as, in its judgment, the facts presented may warrant.

SEQUOIA AND GENERAL GRANT NATIONAL PARKS.

By act of Congress approved June 6, 1900 (31 Stats., 618), the Secretary of War was authorized and directed, upon the request of the Secretary of the Interior, to detail troops for the protection of these parks.

Capt. Frank West, Ninth Cavalry, U. S. A., was designated acting superintendent, and reports that he arrived with Troop G, Sixth Cavalry (61 enlisted men), at Three Rivers, Cal., June 6, 1900. Thereafter, pursuant to orders from the Department of California, in view of the possibility of the cavalry being required for duty in the Philippine Islands, he kept the troop at that place until July 4, when he was notified that it was no longer necessary to keep the command together.

Detachments were then sent to camp at the main entrances to the park and other portions of the reservation, as well as in the General Grant National Park, to maintain order and prevent trespassing and depredations therein; the whole park boundary being thus protected by guards.

From July 1, 1899, until November 15, 1899, the parks were guarded by a detachment of the Third U. S. Artillery, commanded by Second Lieut. Henry B. Clarke, Third Artillery. From November 15, 1899, to July 7, 1900, the parks were protected as far as possible by Forest Ranger Britten, who has been kept with the command in the parks until the present time and has rendered valuable and efficient service.

Sequoia Park is located in Tulare County, Cal., and has an area of about 250 square miles. It was set aside by act of Congress approved September 25, 1890 (26 Stats., 478), and placed under the control of the Secretary of the Interior.

The main scenic point of interest of the Sequoia Park is the giant forest. This forest is situated on a high table-land from 6,300 to 7,500 feet above sea level, bounded on the east by the bare granite Alta peaks, on the north and west by the canyon of the Marble Fork, and on the south by the canyon of the Middle Fork of the Kaweah River.

The forest is said to contain from 1,600 to 3,000 trees of the *Sequoia gigantea* species over 15 feet in diameter, and also numerous pines and firs almost as large. The largest of the Sequoias is the General Sherman, said to be 105 feet in circumference at its base. The trees in the forest are so thickly grown that their branches touch, and the sun in places seldom finds the ground.

Other points of interest are Sunset and Moro rocks, on the western and southern edges of the table-land, vertical rocks hundreds of feet

in height, and affording fine views of the San Joaquin Valley. Marble Falls, where the Marble Fork cuts through a marble ridge over 1,500 feet in height, and as seen from Admiration Point, 3,000 feet above the canyon, affords one of the finest views in the world. Across the Middle Fork, a mile or two south of Moro Rock, is seen the beautiful Castle Rocks, of white granite, needle-shaped, and a couple of hundred feet or more in altitude. East of the forest are the Alta Meadows, from Panoramic Point, in which is seen a circle of magnificent views of beautiful mountain ranges and the San Joaquin Valley.

The first appropriation for the improvement of the park was made in the act of Congress approved June 6, 1900 (31 Stats., 618), $10,000 being set aside "for the protection of the park and the construction and repair of bridges, fences, and trails, and improvement and extension of roads."

The improvement most needed in the park was the repair of the Old Colony Mill road and its extension toward the giant forest so as to render accessible to the public the magnificent big trees to be found in this grove. Accordingly, $800 were set aside for the repair of this road. The work commenced thereon July 16, and was completed to the Old Colony Mill, a distance of 9 miles, on the 15th of August, 1900. Prior to this improvement the road had not been used for ten years, and had become almost impassable on account of the dense growth of brushwood, large bowlders having fallen into it, and the retaining walls given away. This road was originally constructed over the public lands by a cooperative association, known as the Kaweah Colony, since disbanded, for the purpose of cutting redwood timber in the giant forest. This road, which required three years to construct, is remarkable, considering the vast amount of labor used in its construction, necessitated by the rugged and mountainous country through which it passes.

The balance of the appropriation, $9,200, was set aside for the purpose of extending this road toward the giant forest. A road thereto was located and, considering the mountainous and timbered country through which it passed, low grades were secured. Work was commenced thereon August 15 and was steadily prosecuted up to the time when, by reason of stress of weather, the troops were relieved from further duty in the park. The amount set aside for the work will not be sufficient to carry the road to giant forest, and it is estimated that $10,000 will be required to complete it on the present plans.

The trails of the park and vicinity leading to the various points of interest therein are reported to be in bad condition, made on independent grades, filled with rocks and fallen logs, and the acting superintendent recommends that appropriations for their immediate repair, as well as provision for the construction of new trails, be made.

No sheep have been in the park during the season, and only a small band of horses and cattle, which were promptly ejected.

The boundaries of the park have been properly surveyed and marked and the trees blazed and the crossings of roads and trails marked so that trespassers in future can not claim that they were without information as to the lines of the reservation.

The present limits of the Sequoia Park, the acting superintendent states, are too small, and should be extended to the eastward as far as Mount Whitney, so as to take in the magnificent Kern River Canyon, and north to take in King's River Canyon, both of which canyons are visited by nearly all that come to see the Giant Forest. The magnificent mountain scenery to the east of the Giant Forest, and which is said to excel anything in Switzerland, is outside the park and of no use to anyone, being made up of bare granite peaks mostly.

The acting superintendent calls attention to the fact that there are approximately 5,440 acres of land owned by individuals within the boundaries of the Sequoia Park; that a considerable portion of this land is covered by burnt stumps of trees, the tops of large sequoias, and is not only a blot upon the beauty of the park, but a menace by fire to the whole forest, and recommends the appointment of a commission of three persons to appraise the private lands within the boundaries of the reservation under his supervision with a view to their purchase by the Government, and that $500 be appropriated by Congress to defray the expenses. The desirability of the extinguishment of private holdings in these reservations has heretofore been brought to the attention of Congress in previous annual reports, and I recommend that early action be taken by Congress looking to the acquirement of these lands.

The large game in the park are deer, bear, and panther, or California lion; the small animals are the fisher coyote, black wolf, gray squirrel, ground squirrel, and chipmunk; of the birds, grouse and mountain quail in abundance.

The principal fish are the rainbow trout. The finest fishing is in the Little and Big Kern rivers, where rainbow trout are found, and the golden trout near Mount Whitney, said to be the only trout of that kind in the world.

Only three fires occurred, all of which were promptly extinguished.

Three miles of trail have been constructed by the troops between Weishers Mill and Hockett Meadows, thus avoiding the terribly steep climb of the Wilhelm Cut-Off; a mile of trail connecting Colony Mill with Administration Point, overlooking the Marble Falls; 2 miles of trail between Colony Mill and Cabin Meadows, on the trail to the General Grant Park. The whole distance by trail has been shortened about 5 miles. The detachment in the General Grant Park has ren-

dered valuable service in clearing roads of fallen timber, repairing the road to that park, and cleaning up the refuse of former camps.

The acting superintendent states that the best way of reaching the giant forest is to leave the railroad at Visalia, Tulare County, Cal., from thence via Lemon Cove to Three Rivers, thence taking the Old Colony Mill road as far as Old Colony Mill site. He gives a minute description of the scenery and objects of interest along this route. He gives the altitudes of some fifteen different points of interest in the Sequoia Park which were taken during the present season by Professor Dudley of the Leland Stanford University, the highest being the Alta Peak trail, 9,100 feet.

The General Grant National Park is situated in Mariposa County, Cal., and contains about 4 square miles. Over 125 large sequoias were counted in this park this season.

The work of constructing a fence and trail around this park, for which $2,500 was appropriated by act of Congress approved June 6, 1900, was performed under the supervision of Captain Cole, Sixth Cavalry. At the time of the troops leaving the reservation the wire fence had been fixed in place around the park and over 15,000 feet of top rail had been supplied in the most important sections of the fence.

The Sequoia Park, it is stated, has a great economic value in its storage capacity for supplying water for the San Joaquin Valley. The great fall of rivers that flow through the park, being thousands of feet in a few miles, afford valuable facilities for electric-power plants for pumping purposes for irrigation in the valley. One plant has already been established and is of immense value where its lines extend. Others will be needed to irrigate the increasing acreage of citrus fruits.

PURCHASE OF CERTAIN GROVES OF SEQUOIA GIGANTEA IN CALIFORNIA.

Joint resolution providing for the acquisition of certain lands in the State of California, approved March 8, 1900 (31 Stat., 711), provides that—

Whereas what are known as the "Mammoth Tree Grove" and "South Park Grove of Big Trees," species of *Sequoia gigantea*, located in Calaveras County, California, are now held in private ownership; and

Whereas the owner thereof now contemplates the sale thereof for the purpose of felling said trees and their conversion into lumber, which said project is threatened of consummation at an early date; and

Whereas the trees *Sequoia gigantea* of these groves constitute the largest collection and probably the finest specimens of the same in the world; and

Whereas the destruction of these trees would be an irredeemable loss to science and the loss of one of the marked wonders of the world: Therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, authorized and directed, at the earliest practicable date, to open negotiations for, and if possible

procure a bond upon, the lands occupied by said groves of trees, in Calaveras and Tuolumne counties, California, with sufficient adjacent lands for their preservation, management, and control, and submit the same to Congress for action thereupon.

Investigation disclosed the fact that deeds for 2,360 acres conveying the Calaveras and south big tree groves from J. L. Sperry, of Berkley, Cal., to R. B. Whiteside, of Duluth, Minn., for a purported consideration of $100,000 in cash, were held in escrow in the Union National Bank of Oakland, Cal. Negotiations with a view to securing a bond upon the lands embracing these groves were attempted to be opened and conducted with Mr. Whiteside by telegraph. The results thereof not only indicated his unwillingness to negotiate with the Department respecting a sale of these lands to the United States upon any practicable plan, but evidenced an inclination to stand upon his rights and avoid coming to any definite statement or negotiation. In the meantime, however, I caused a careful examination to be made by a special agent of the General Land Office of the above-mentioned groves of big trees and the lands adjacent thereto, and as a result an order was issued directing temporary withdrawals of all vacant lands in the immediate vicinity of the tracts covered by the two groves and within the area intervening between the same; such withdrawals embracing in the aggregate 7,360 acres.

On the 20th of April, 1900, I accordingly reported to Congress the steps taken by me under the resolution above mentioned (copies of the report and of a memorandum in that connection subsequently submitted to the Committee on Public Lands in the House of Representatives are hereto appended, Exhibit C), and in suggesting a means of procuring these lands, I stated that—

> It is pretty well understood that the price at which Mr. Whiteside has recently purchased or agreed to purchase the lands is $100,000. I am constrained to believe that if Mr. Whiteside were willing to sell the lands for their reasonable value, or at a reasonable profit upon his recent purchase, he would have no serious difficulty in stating a price, and for this reason it has seemed to me to be useless to pursue the negotiations further. If it is desired to obtain the title to these lands, and to perpetuate the mammoth trees and other natural curiosities thereon, it will have to be done through the means of the exercise of the power of eminent domain. Believing that the General Government should acquire these lands and make public parks thereof, I herewith transmit the following proposed bill, which, if it meets the approval of and is enacted by Congress, will assure the accomplishment of that purpose.

This bill, providing for the acquirement of these lands through condemnation proceedings, as amended by the House of Representatives Committee on Public Lands, is now pending in Congress, and in my judgment should become a law.

MOUNT RANIER NATIONAL PARK.

By the act of Congress approved March 2, 1899 (30 Stat. L., 993), a portion of certain lands in the State of Washington, known as the

Pacific Forest Reserve, was set aside as a public park, to be known as the Mount Ranier National Park.

Section 2 of this act provides, inter alia:

> That said public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to make and publish, as soon as practicable, such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition. He shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same, after the passage of this act, to be removed therefrom, and generally shall be authorized to take all such measures as shall be necessary to fully carry out the objects and purposes of this act.

Section 5 provides:

> That the mineral land laws of the United States are hereby extended to the lands lying within the said reserve and said park.

No regulations for the government of the park and "for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition," as required by the act, have been promulgated by the Department, for the reason that it would not be practicable to prescribe or enforce regulations which would not prevent or interfere with the exploration, development, location, occupation, and purchase, under the mineral-land laws, of any mineral lands lying within said reserve. Furthermore, no penalty is prescribed by the act for any violation of regulations adopted, nor has an appropriation been made by Congress to enable the Department to protect the reservation.

In my last annual report I stated, in discussing the status of this national park, that it was desirable that section 5 of the act of March 2, 1899 (30 Stat., 993), setting aside the lands therein described as a national park, be repealed, and that a penalty be provided for violation of any regulations prescribed thereunder, and that appropriations be made for the protection of the reservation.

I again invite attention to the matter, and have to recommend the enactment by Congress of the desired legislation.

HOT SPRINGS RESERVATION.

Martin A. Eisele, superintendent of the Hot Springs Reservation, reports that upon assuming charge of the reservation he found the general condition of affairs satisfactory.

The fame of Hot Springs, Ark., he states, continues to grow; each year surpasses the preceding in patronage of this resort. The number of visitors during the present year, approximately 50,000, has at times

taxed the capacity of the hotels and boarding houses. The policy of the Department in expending the surplus revenue derived from the water rents, in excess of the fixed charges or expense of conducting the reservation and the proper management, in beautifying the reservation, and for its permanent improvement, has met with the approval of all.

By the act of April 20, 1832 (4 Stats., 505), the Hot Springs in the Territory of Arkansas, together with four sections of land, including such springs, were set aside and reserved for the future disposal of the United States.

By the act of March 3, 1877 (19 Stats., 378), the appointment of commissioners was authorized to lay out into squares, blocks, lots, avenues, and streets certain tracts of land in the county of Garland, State of Arkansas, known as Hot Springs Reservation; the appointment of a superintendent thereof by the Secretary of the Interior was provided for, and the levying of a tax on water taken from the Hot Springs authorized, the proceeds to be used in improvement of the reservation.

By the act of June 16, 1880 (21 Stats., 288), the mountainous districts, known as North Mountain, Sugar Loaf Mountain, and West Mountain, together with Hot Springs Mountain, were forever reserved from sale and dedicated to public use as parks. These reservations, with Whittington avenue reserve, comprise in all 911.63 acres.

The hot waters issue from about 73 springs on the west side and base of Hot Springs Mountain. These springs are mostly inclosed for the purpose of protecting them from pollution, as well as to permit of the conveyance of the water therefrom to the several bath houses and the impounding reservoir. The actual amount of water issuing from these springs is not known; a conservative estimate of the supply at present under control is about 750,000 gallons daily.

One new bath house, to be run in connection with a hotel, located off the reservation, having 10 tubs, has been added to the active list during the year, bringing the total number of leases up to 25. Of these, 21 are active bath houses, 2 are sanitariums; one lease to the Hot Springs Medical Company of water for manufacturing medicines, and one lease of hot water to John J. Sumpter. The total number of tubs covered by these leases is 548, requiring, on a basis of 1,000 gallons per tub daily, 548,000 gallons of hot water to supply them.

The diseases mostly benefited by the use of these waters are rheumatism, gout, stiff joints, skin diseases, scrofula, syphilis, neuralgia or nervous affection, paralysis, spinal diseases, sciatica, catarrh, specific locomotor ataxia, dyspepsia, uterine diseases, especially sterility, leucorrhœa, malaria, blood disorders of a chronic character, and alcoholism. Diseases where the use of the waters are contra indicated are pulmonary affections, especially such as are based on tubercular dia-

theses, valvular heart affections, paralysis from softening of the brain or spinal cord.

The following table shows the several individuals and corporations now holding leases for hot water from the Government reservation, together with the date and expiration of each lease:

Name of bath house.	Lessees.	Tubs.	Date of lease.	Expiration of lease.
Alhambra	Alhambra Bath House Co	40	Feb. 28, 1894	Feb. 28, 1914
Arlington	Arlington Hotel Co	40	Mar. 3, 1892	Mar. 22, 1912
Avenue	Avenue Hotel Co	20	Feb. 17, 1898	Dec. 31, 1902
Cheshire	Butterick Publishing Co	8	Sept. 16, 1898	Sept. 16, 1905
Eastman	New York Hotel Co	40	May 12, 1892	May 12, 1912
Great Northern	Curnel S. Williamson	19	May 25, 1897	May 15, 1912
Hale	Roots and Eastman	26	Jan. 1, 1893	Dec. 31, 1907
Horse Shoe	D. Fellows Platt	30	Jan. 1, 1895	Dec. 31, 1909
Hot Springs	Mark J. Smith	16	Jan. 1, 1893	Dec. 31, 1902
Imperial	Fred N. Rix and J. L. Barnes	25	Jan. 1, 1892	Dec. 31, 1906
Lamar	M. C. Tombler and D. C. Buckstaff	40	Jan. 1, 1897	Dec. 31, 1916
Magnesia	Chas. B. Platt	30	Jan. 1, 1895	Dec. 31, 1909
Maurice	Maurice Convers and Maurice	21	Jan. 1, 1897	Dec. 31, 1916
Moody	Nicholas M. Moody	10	July 1, 1900	July 1, 1910
Ozark	I. W. Carhart and F. B. Latta	22	Jan. 1, 1892	Dec. 31, 1902
Palace	Samuel W. Fordyce	23	Jan. 12, 1893	Dec. 31, 1906
Park	Park Hotel Co	40	May 12, 1892	May 12, 1912
Rector	Henry M. Rector	12	Apr. 16, 1894	Apr. 16, 1904
Rockafellow's	Chas. N. Rockafellow	20	July 1, 1898	June 30, 1901
St. Joseph's Infirmary	Sister Mary Aloysius	4	Dec. 31, 1896	Dec. 31, 1901
Sumpter	John J. Sumpter	8	Mar. 7, 1894	Mar. 7, 1904
Superior	Robert Proctor and Henry W. Myar	16	Sept. 15, 1896	Sept. 14, 1906
Waverly	New Waverly Hotel Co	20	Mar. 24, 1893	Mar. 24, 1913
Rammelsberg	Jeanette Hogaboom and G. H. Buckstaff.	18	Jan. 1, 1899	Jan. 1, 1909
	Hot Springs Medical Co	4	July 24, 1894	July 24, 1904

The prices which the different bath houses may charge for baths are subject to approval and revision by the Secretary of the Interior, and are in all cases regulated by the class of bathing accommodations each house is in position to furnish, the newer and better-equipped houses being allowed to charge higher prices than those of less modern build and inferior equipment. The scale of prices in force at present are fixed prices, and may not be deviated from by any bath house. The price for a single bath ranges from 25 cents to 50 cents, and per course of 21 baths from $3 to $10.

The bath houses have enjoyed a lucrative business during the year and have shared in the general prosperity of the resort. Nearly all are said to have yielded prompt and satisfactory compliance with Department rules and regulations, and with the exception of the occasional violation of the rule prohibiting drumming patrons to their houses for a consideration by some of the houses, the superintendent's office has been singularly free from complaints.

Drumming, however, for bath houses is not the most serious phase of the drumming evil as practiced at Hot Springs. On this subject the superintendent says:

In fact, bath-house drumming can not be considered either immoral or illegal, except as it enters into and forms an adjunct to the more demoralizing practices of doctor drumming, and for this reason the Government has deemed it advisable to lend its assistance toward its suppression. That Hot Springs, blessed with the boon of these wonderful healing waters, should be cursed with this evil of doctor drumming amounts almost to a calamity. There are about 100 doctors practicing medicine in Hot Springs. Of these, some are eminent in their profession and have national reputations, who observe the code of ethics, and whose abilities and character add to the reputation of this resort. There are many others, however, who form a confederation with the drummers, who, for a consideration, solicit patients for them.

The municipal government has from time to time enacted stringent ordinances against this nefarious practice, and convictions made in police court have followed, only to be reversed either in the circuit or supreme courts, who hold that soliciting or drumming for a doctor is legitimate business under the Arkansas law. .The consensus of opinion among the legal profession seems to be that the remedy lies in an amendment to the State law regulating the practice of medicine. There seems to be a reasonable hope that this will be accomplished at the coming session of the legislature. In the meantime the practice is gradually being reduced through the growth of public sentiment, which is being crystallized against it.

The free bath house has furnished during the year 169,030 free baths. Ten thousand seven hundred and eighty-seven persons are reported to have been benefited and 676 cured. The bath house has been open continuously, and the average number of persons furnished baths daily has been 462. The total number of bathers was 11,476; of these, 7,592 were white men, 848 white women, 1,700 colored men, and 1,336 colored women. Referring to the class of people accommodated at this house, the superintendent states that there are bathing fiends, this class being similar in their cravings for the baths to those addicted to the tobacco, liquor, and opiate habits, and whose continuous bathing is the source of much annoyance to the management. Not over 2 per cent of the bathers appear despondent or despair of relief and ultimate cure. In cases where the physical condition of the applicant gives an indication that the baths would be injurious or detrimental, the manager pursues the policy of refusing the baths until applicant can produce the certificate of some advisory physician that the baths will be beneficial.

The free dispensary, which was established in May, 1898, in the second story of the free bath house by a number of local physicians, has been discontinued, owing to the removal from the city of three members of the staff of physicians. An effort, however, is being made to reestablish this worthy charity, as much good was done by way of medical advice to indigent persons using the free baths.

The principal improvements during the year were as follows: (1) The construction of the roadway on West Mountain, which is now com-

pleted from the junction with Canyon street on the north to the intersection of Hawthorn street on the south. The roadway was constructed at a cost of $5,230.91, and is 1.32 miles in length, having a maximum grade of 6 per cent, and when extended to the summit of the mountain will furnish a drive unexcelled for picturesque scenery at points extending throughout its entire length. This roadway, taken in connection with the roads and drives on Hot Springs and North Mountain, affords a series of drives approximately 8 miles in length. (2) The construction of a new impounding reservoir, situated in the rear of the big iron bath-house site on the reservation and running its entire length at the foot of the Tufa bluff; this valuable and capacious reservoir was completed during the month of October, and was immediately put into use by gathering all the water that formerly ran to waste and storing it in this reservoir with the overflow connected with the supply mains of the large impounding or main reservoir. The capacity of this reservoir is 26,109 gallons, and was constructed at a cost of $1,497.50. (3) A new pipe line or water service has been extended from the city mains to the reservation, furnishing water for sprinkling purposes and affording protection in case of fire. Many additional improvements of a minor character, such as the construction of walks or footpaths for pedestrians, etc., have been completed.

The small reservation belonging to the Government in the city of Hot Springs, known as Whittington Lake Reserve Park, and the Reserve Park, abutting the bath houses on the reservation front and extending up Hot Springs Mountain, have been kept in good condition and are growing in popular favor. These parks, on account of their accessibility, afford an opportunity for rest and recreation, and are frequented by large numbers of both citizens and visitors, while the broad concrete walks of Reserve Park are the principal and attractive promenades of the city.

An attractive and interesting as well as enjoyable feature of Reserve Park is the semiweekly concerts given in the band stand. These concerts, supported by public subscriptions, are largely attended by both citizens and visitors and materially assist in the entertainment of the public.

Hot Springs Creek Arch, which was constructed by the Government in 1884 at the junction of Whittington and Park avenues on the north, to Malvern avenue on the south, and facing Bath-House Park, has had such repairs as its condition warranted. The cost to the Government of the construction of this arch, about 3,500 feet in length, was approximately $136,744.78.

The total receipts from bath houses, hot-water rents, etc., for the fiscal year ended June 30, 1900, was $18,670. The disbursements by the superintendent for salaries, incidental expenses, and fixed charges for maintaining the reservation, was $21,624.53.

The total expenditures on account of this reservation from 1878, when the Government assumed control thereof, until the present time amounts to $595,024.11. About one-half of this amount was appropriated by Congress and the balance was receipts from sales of public lots and bath-house leases.

The superintendent calls attention to the growing demand for official information of every character concerning the reservation. Inquries are made upon every point of interest, embracing the legendary, historical, scientific, area, volume of hot water, number of springs, requests for advertising matter, etc. Many prominent visitors from all sections of the country call here, and many interesting suggestions are gratuitously received as to the manner in which the Government should conduct the reservation. He concludes that much of the increased inquiry is due to the important interest created by Hot Springs as a health resort.

CASA GRANDE RUIN.

The Casa Grande ruin, located near Florence, in the Territory of Arizona, is one of the most noteworthy relics of a prehistoric age and people remaining within the limits of the United States. The land on which it is located is part of 480 acres reserved from settlement by Executive order dated June 22, 1892. At the date of discovery by one Padre Kino, in 1694, it was in a ruinous condition, and since that time has been a subject of record by explorers and historians. The structure is built of the material known as cajon—that is, puddled clay—molded into walls and dried in the sun, and of perishable character.

The custodian, H. B. Mayo, reports that the walls, owing to the action of the elements, are rapidly disintegrating. The structure covers a space 59 feet by 43 feet 3 inches square, with a door on each side; there are five rooms or apartments. The walls are from 4 to 5 feet thick; in places they have completely fallen, and the outer wall at no place shows more than three of the original five stories. The walls of the inner room run one story higher, at one point showing a corner of what appears to be the fifth story. The walls of the upper story are thin, having been washed away by rains.

The custodian recommends that the whole structure be covered by a corrugated iron or asphaltum roof, high enough to permit a full view of the ruin, extending 15 feet beyond the walls on all sides, and that the whole be inclosed by a high iron or barbed-wire fence, with a gate which can be locked. This, he states, is necessary to the preservation of the ruin, and estimates that $2,000 would be sufficient to cover the expense. I accordingly recommend that Congress appropriate that amount for the purpose of the protection of this remarkable ruin.

ELEEMOSYNARY INSTITUTIONS.

By the act of Congress entitled "An Act to establish a board of charities for the District of Columbia," approved June 6, 1900 (31 Stats., 664), it is provided that said board of charities—

Shall visit, inspect, and maintain a general supervision over all institutions, societies, or associations of a charitable, eleemosynary, correctional, or reformatory character, which are supported in whole or in part by appropriations of Congress made for the care or treatment of residents of the District of Columbia; and no payment shall be made to any such charitable, eleemosynary, correctional, or reformatory institution for any resident of the District of Columbia who is not received and maintained therein pursuant to the rules established by such board of charities, except in the case of persons committed by the courts, or abandoned infants needing immediate care. * * *

The officers in charge of all institutions subject to the supervision of the board of charities shall furnish said board, on request, such information and statistics as may be desired; and to secure accuracy, uniformity, and completeness of such statistics the board may prescribe such forms of report and registration as may be deemed to be essential. * * * The Commissioners of the District of Columbia may, at any time, order an investigation by the board, or a committee of its members, of the management of any penal, charitable, or reformatory institution in the District of Columbia; and said board, or any authorized committee of its members, when making such investigation, shall have power to send for persons and papers, and to administer oaths and affirmations; and the report of such investigation, with the testimony, shall be made to the commissioners. * * *

The said board shall make an annual report to Congress, through the Commissioners of the District of Columbia, giving a full and complete account of all matters placed under the supervision of the board, all expenses in detail, and all officers and agents employed, with a report of the secretary showing the actual condition of all institutions and agencies under the supervision of the board, the character and economy of administration thereof, and the amount and sources of their public and private income. The said report shall also include recommendations for the economical and efficient administration of the charities and reformatories of the District of Columbia. The said board shall prepare and include with its annual report such estimates of future appropriations as will in the judgment of a majority of its members best promote the effective, harmonious, and economical management of the affairs under its supervision, and such estimates submitted shall be included in the regular annual book of estimates. * * * All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

After the passage of this act a question arose as to the supervisory authority of the Secretary of the Interior over the Government Hospital for Insane, the Freedmen's Hospital and Asylum, the Columbia Institute for the Deaf and Dumb, and the Washington Hospital for Foundlings, all located in the District of Columbia. By prior laws these institutions were attached to this Department and were placed under the supervision of the Secretary of the Interior. His supervision, however, was not the same as to all of them, but was dependent upon the provisions of the special statutes, respectively, establishing and providing for the management of the several institutions. The

question of the effect of the new act upon the supervisory authority of the Secretary of the Interior conferred by prior statutes was referred to the Attorney-General, who, upon October 12, 1900, rendered an opinion, a copy of which is hereto appended (marked "Exhibit D") to the effect that each of these institutions comes within the terms of the act of June 6, 1900, and that "with the exception that the board of charities is given the general supervision of these institutions, and under the order of the District Commissioners the power of investigation, with the duty of submitting a report and recommendation to Congress, the powers and duties of the Secretary of the Interior are unchanged by the act of June 6, 1900, and remain the same as before its enactment."

I respectfully submit that a divided supervision or control over institutions of this class, especially where the lines of division are uncertain and not easily understood, will tend to embarrass the immediate management of each institution and to materially detract from the desired standard of excellence. For this reason I earnestly recommend that as to each of said institutions the duties, authority, and responsibilitiy of the board of charities be transferred to the Secretary of the Interior, or the duties, authority, and responsibility of the Secretary of the Interior be transferred to the board of charities. Considering the character and purpose of each institution and the extent of the supervisory authority of the Secretary of the Interior over the same prior to the act of June 6, 1900, perhaps the best results would be obtained if the Columbia Institute for the Deaf and Dumb and the Washington Hospital for Foundlings were placed exclusively under the supervision of the board of charities, and the Government Hospital for the Insane and the Freedmen's Hospital and Asylum were placed exclusively under the supervision of the Secretary of the Interior.

THE GOVERNMENT HOSPITAL FOR THE INSANE.

The annual report of the board of visitors shows that the number of patients in hospital at beginning of year was 1,938; there were admitted during the year 551, making a total of 2,489 under treatment. During the year there were 184 deaths, 149 were discharged recovered, 65 improved, 13 unimproved, and 2 not insane, leaving on the records at the close of the year 2,076, divided as follows: Army, 808; Navy, 123; Marine-Hospital Service, 27; transients from the District of Columbia, 134; indigents from the District of Columbia, 916; United States convicts and criminals, 66, and private patients, 2. This is 138 more than were in hospital June 30, 1899, and a considerably larger increase than the population of the institution has had during any previous year of its history.

The increase in the population the past four years is as follows: In 1896, 33; in 1897, 32; in 1898, 86, and in 1899, 85.

The proportion of patients from civil life has increased in the same period from 52 per cent in 1896 to 53.9 per cent in 1900.

Deducting from those from civil life, the United States convicts and criminals, and the transient cases from the District of Columbia, there remain 918 who are bona fide residents of the District out of a population of 278,718 therein as shown by the results of the present census, or one insane to every 303 of the population. This is rather a large proportion and gives no encouragement that there will be any material decrease in the number of admissions during ensuing years.

The proportion of colored patients has increased during the past five years from 17.8 per cent of the whole number in 1896 to 18.6 per cent in 1900.

The death of the first assistant physician, Dr. A. H. Witmer, which occurred January 18, 1900, was a great loss to the hospital and greatly deplored by the board and by his many friends in the institution and in the city of Washington, where he was well known.

Dr. A. B. Richardson, the present superintendent, assumed charge of the hospital October 18, 1899.

During the year the laundry building has been completed and equipped and is now in successful operation. A new sewer system was also constructed and is operating very satisfactorily. The main sewer is 24 inches in diameter, made of vitrified sewer pipe, incased in from 4 to 6 inches of concrete, and discharges into the river through the wall at a point never exposed at low tide.

The bathroom and lavatory sections of seven wards have been reconstructed during the year, being made fireproof, laid with tile, and equipped with modern plumbing and fixtures.

Contracts have been let for the following improvements under appropriations made therefor during the last session of Congress, to wit: A new store building and cold-storage plant; a new water pipe, hydrants, water tower, hose, fire apparatus, etc.; the construction of a railroad switch from the Alexandria branch of the Baltimore and Ohio Railroad to the power house and boiler house of the hospital; the construction of a kitchen for the group of detached buildings; fireproof stairways for the relief building; for changing gutters and partially reroofing relief building, and for continuing the renewal of the plumbing and fireproofing the bathroom and lavatory sections of the old building. Work is progressing as rapidly as possible on all these improvements.

A few days before the annual meeting of the board of visitors, October 2, 1900, an unusually heavy and dashing rain flooded the tunnel leading to the boiler house, where it passes under the new laundry

building, and through the opening made into it in the process of construction of the new store building, and the tunnel being built on a stratum of sand and without any paving, a section immediately under the laundry building, about 90 feet in length, was undermined by the water and caved in, endangering the safety of the laundry building and necessitating the removal of the machinery from the first floor. The expense to repair the break and to make safe the building, as well as to make impossible a renewal of the accident, will cost above $3,000. This will be a heavy drain on the repair fund of the institution, and with the other extraordinary expenditures from it will create a deficiency before the close of the year. The sum of $10,000 will doubtless be required to meet the actually necessary requirements of the hospital for these purposes.

The overcrowded condition of the hospital, to which attention was directed in the annual report of last year, has become still more burdensome and hazardous during the year. There are now not less than 450 patients more than can be comfortably accommodated, and the provisions for employees are wholly inadequate and most unsatisfactory.

During the last session of Congress the crowded condition of the hospital having been brought to its attention, provision was made in the sundry civil appropriation act, approved June 6, 1900, for the preparation of plans for the extension of the hospital to accommodate 1,000 patients, in the following terms, to wit:

> The board of visitors and the superintendent shall prepare plans, specifications, and estimates for an extension of the hospital sufficient to provide for one thousand patients. Said extension shall be of fireproof construction and suitable for all special classes of acute insanity. Said plans shall include all necessary domestic buildings and all buildings required for the proper care of one thousand patients and the requisite nurses and employees, and shall be approved by the Secretary of the Interior. The total cost of all the buildings, machinery, and equipment, including heating, lighting, sewerage, and water supply, under said plans shall not exceed nine hundred and seventy-five thousand dollars, within which sum and under such plans the Secretary of the Interior is authorized to enter into contract or contracts for the extension of the hospital as herein specified, upon lands already owned by the Government or upon such suitable lands as may be donated to the Government within the District of Columbia for that purpose, toward which, including the expense of the preparation of plans and specifications, there is hereby appropriated the sum of fifty thousand dollars.

With a view to carrying into effect the provisions of the act above mentioned, steps have been taken to secure competitive plans and sketches from half a dozen firms of architects, which competition is still in progress.

The board states that it has given the question of the location of the buildings of this extension careful consideration. The present building site is becoming too contracted and will not accommodate one-half of the buildings required. If they are to be constructed on land now owned by the Government, the greater number of them must be

located east of Nichols avenue on the farm land of the institution, and to adopt such a plan would be a serious mistake. It would necessarily divide the population of the hospital by a busy thoroughfare, with a street-car line and trolley; the buildings would be inconvenient of access to and from the rest of the institution; the distance would considerably increase the expense of lighting, water supply, and sewerage, and make it next to impossible to heat them from a central plant in common with the rest of the hospital and from a point that can be reached with a railroad switch.

For these reasons the board has strongly favored the purchase of sufficient land adjoining the present building site, on the west side of Nichols avenue and south of the present buildings, to provide a suitable location for all the proposed buildings. A very suitable tract of land, in their judgment, for this purpose, lying alongside the present site on the south, is known as Wilson Park, and comprises 105 acres. To include the entire ridge extending toward the river from Nichols avenue would require 35 acres more, making a tract of 140 acres. The purchase of this tract has heretofore been recommended by the board, and they are still of the opinion that if it can be bought at a fair price it should be secured, believing it to be most important and an almost imperative necessity for the future development of the institution.

I concur in the conclusion of the board as to the necessity for additional land for the use of the hospital, and recommend that Congress, by appropriate legislation, make adequate provision therefor; but failing prompt action in that direction the crowded condition of the institution will necessitate the construction of a portion of the new buildings on the farm land of the institution east of Nichols avenue.

The administrative affairs of the hospital have also shown substantial progress. A training school for nurses has been established and is now in successful operation. A new office has been created, to be known as chief of training school, and a competent and experienced trained nurse has been chosen for the position. In four departments of the hospital a head nurse, who is a graduate of a general training school, is placed in charge of the hospital and receiving wards and directs the work and gives instructions to the nurses in training in her department. Other female nurses are employed in the male hospital wards as occasion seems to require and thus far with very satisfactory results. A text-book on general nursing has been adopted, and weekly recitations are given the class by the chief of the training school, for which purpose the class is divided into sections of 15 or 20 each. A lecture is given once a week by a member of the medical staff. The term extends over a period of about eight months, and the course covers two years. An advance of $5 per month will be allowed all who remain in the service after the completion of the course.

The board also calls attention to the deplorable condition of the "Anacostia Flats," from the junction of the Anacostia River with the Potomac and the Pennsylvania Railroad bridge, and the prolific breeding of malarial germs therefrom. The inmates of the hospital, both patients and employes, have suffered in large numbers from malarial fever during the year. This fact is a serious drawback to the successful operation of the hospital, and the source of an inestimable amount of distress and discomfort. It is hoped that Congress may be able to give relief by making the improvement of the river, that has been for several years urged by the hospital authorities, and by the residents of the entire east end of Washington.

Attention is also called to the necessity for an amendment to the law committing patients to the institution which will permit their release on parole without discharge, in such cases as the superintendent may deem desirable. Oftentimes nothing but the actual test of a residence outside of the institution will determine the stability of a recovery, and a trial visit is almost an absolute necessity. If the law is so amended as to permit of this it would many times save much needless expense and trouble.

The report of the pathologist, Dr. I. W. Blackburn, which accompanies the report of the board, consists of a study of 402 cases of tubercular disease among the insane, this being the number found in 1,445 post-mortem examinations made during the last sixteen years. Synopses of the post-mortem appearances have been given in 309 of the cases, and 93, showing tubercular lesions of less importance, have been arranged in tabular form.

The total number of deaths in the hospital from June 30, 1884, until June 30, 1900, was 2,404; of these 564 cases had tubercular disease, discovered by clinical observation or in post-mortem examinations, though the number of deaths attributed to tuberculosis was but 318. The total percentage of tubercular disease was but 23.4, a rate considerably lower than that given by some authorities; and the relative death rate from tuberculosis in the hospital was only 13.2 per cent. Of those that died 1,942 were white and 462 were colored; the percentage of tubercular disease mong the whites was 21.1; among the colored it was 20.7 per cent.

A statistical table gives the number of cases of tuberculosis found clinically and in autopsies and the number of deaths attributed to tubercular disease each year of the period. The figures given indicate a decided decrease in the relative number of deaths from tuberculosis, as well as in the number of existing cases revealed by post-mortem examination, since the early years of the period when the contagious character of the disease was not so generally recognized, there being a decrease from 34.3 per cent in 1886, which was the highest rate, to 17.9 per cent in 1900.

In my last annual report I stated that—

After the decease of the former superintendent a committee was appointed to examine his books and accounts as a disbursing agent of the institution. In reporting thereon, after referring to the fact that his accounts were found to be correct, balanced, and closed, and so reported by the accounting officers to the Treasury, they state, referring to the matter of the disbursements of the institution, that—

"Your committee are of the opinion, however, that the best interests of the public service would be subserved if the disbursement of the appropriations for the hospital was taken therefrom and placed under the direct supervision of the Secretary of the Interior, to be disbursed by the disbursing officer of the Department of the Interior on vouchers properly certified by the superintendent of the hospital and approved by the Secretary of the Interior. One of the principal reasons advanced why such a change should be made is that the superintendent of the hospital is now the purchasing officer, the receiving officer, the disbursing officer; three offices in one. The act of March 3, 1855 (sec. 4837, Rev. Stat.), made him a special disbursing agent. Under existing United States Treasury regulations he is required to render his accounts monthly, and no advance of funds is allowed him in any month in excess of his bond. On the contrary, the disbursing officer of the Department is required to render his accounts only quarterly, and is not confined to the limit of his bond in advances from the Treasury, so that money could always be promptly obtained from the Treasury for the payment of the bills of the hospital upon presentation of same. Under the present condition of affairs it has often occurred that persons selling goods and supplies to the hospital, expecting to receive cash when such have been furnished, have been compelled to wait weeks and months for payment. This condition of affairs should not be tolerated by the Department for a moment. Business methods prevail in every other branch of the Department of the Interior, and its creditors are promptly paid their bills on presentation of the same. Such should be the rule with the bills against the Hospital for the Insane. The merchant sells his goods to the hospital at a trifle above cost, expecting to receive promptly cash payment for the same. Failure to so pay him frequently results in serious embarrassment to his business."

Concurring in this conclusion, I recommend that the following paragraph be incorporated in the sundry civil bill when it shall receive consideration by Congress, to wit:

And hereafter the disbursing clerk of the Department of the Interior is hereby required to act as disbursing clerk for the Government Hospital for the Insane, and to disburse all moneys appropriated for the said hospital, under the direction of the Secretary of the Interior, on vouchers duly certified by the superintendent thereof and approved by the Secretary of the Interior. And the said disbursing clerk herein provided for shall, before entering upon his duties as such, give bond to the United States in such sum as the Secretary of the Treasury may deem proper and necessary, which bond shall be conditioned that the said officer shall render a true and faithful account to the proper accounting officers of the Treasury quarter yearly of all moneys and properties which shall be received by him by virtue of his office, with sureties to be approved by the Solicitor of the Treasury. Such bond shall be filed in the office of the Secretary of the Treasury, to be by him put in suit upon any breach of the conditions thereof. And for this service to be performed the said disbursing clerk, hereinbefore provided for, shall receive for the faithful discharge of his duties an annual compensation of $1,000, payable from the appropriation for current expenses of the Government Hospital for the Insane. And all acts heretofore made by Congress that are inconsistent with the provisions of this act be, and the same are hereby, repealed.

I renew the foregoing recommendation and believe that it will be in the interest of the better administration of the public service if the legislation above recommended is enacted by Congress.

FREEDMEN'S HOSPITAL.

The Freedmen's Hospital was appropriated for and placed under control of the Secretary of War by act of March 3, 1871 (16 Stat. L., 506), and transferred to the Department of the Interior by act of June 23, 1874 (18 Stat. L., 223). The supervision and control of expenditure of appropriation was transferred to the Commissioners of the District of Columbia by act of March 3, 1893 (27 Stat. L., 551). Appointive and general administrative power, however, is still vested in the Secretary of the Interior.

The report of Dr. A. M. Curtis, surgeon in chief, shows that the year has been one of great activity and much improvement in the various departments. More patients have been treated in the hospital and dispensary than during any previous year, and that there have been more applicants among young colored physicians from different parts of the country for hospital practice than ever before.

The total number of patients treated within the wards and dispensary during the year was 8,744. The number remaining in the hospital June 30, 1899, was 115. During the year 2,239 patients were admitted, of whom 1,275 were males and 964 females; 188 births are recorded, making a total of 2,542 in the hospital; 2,242 were discharged and 162 died, leaving 138 remaining in the hospital on June 30, 1900.

The surgical work of the hospital has been heavier than for any previous year and gratifying in its results. There have been 634 operations, including some of the most difficult abdominal and other major surgery, the gynecological ward furnishing many of such cases. The death rate for all surgical operations has been 1.10 per cent; the death rate for all causes has been 6.37 per cent. Excluding the moribund cases and those dying from consumption, the death rate is only 3.85 per cent of all under care; in other words, a recovery of about 96 per cent of all cases receiving attention.

Of the 2,427 patients admitted, 808 were natives of the District of Columbia, 840 from the State of Virginia, 391 from Maryland, 19 of unknown nativity, 87 from foreign countries, and the remainder (282) from the several States and Territories.

The training school for nurses has been making rapid progress, and the high standing it has attained is its recognition and admission to the American Association of Nurses. There are a large number of graduates who obtain steady employment as private nurses, and many engaged in the work of conducting hospitals and organizing similar training schools in Southern cities. The surgeon in chief recommends the advisability of extending the course of study and training to three

years. During the year there were 142 applications received for admission to this school; 21 admitted on probation, 18 accepted, 3 rejected, and 2 dismissed. Eleven nurses graduated in May, leaving 32 nurses enrolled in the school at present.

The appropriation of $3,500 by Congress for repairs has been most advantageously used to the betterment of the sanitary and hygienic surroundings of the buildings and the wards therein. There is need of better light, particularly in the operating rooms, and a small electric plant installed in the engine room would hardly be in excess of $2,000, and is greatly to be desired.

The necessity for new and modern brick buildings still exists. Too much can not be said in favor of establishing a free ward. A large percentage frequently indicate a willingness to pay for treatment rather than be classed as charity patients; nonresidents, especially from the Southern States, desire to pay for treatment. The charges could be so arranged as to merely meet the cost of maintenance; any balance accruing from such income could be utilized in the support of the much-needed pathological library.

The surgeon in chief again directs attention to the inconvenience resulting from the dual management of the hospital, the appointive and general administrative power over it being vested in the Secretary of the Interior under the act of June 23, 1874 (18 Stats., 223), and the supervision and control of the appropriations made by Congress for its management being under the act of March 3, 1893 (27 Stats., 551), placed under the Commissioners of the District of Columbia, and urges that after thirty-five years of struggle as an independent institution, caring during that time for all classes of the poor and the suffering, particularly the indigent sick of the colored race, that the hospital should be continued to be maintained as a separate institution and placed absolutely under the control of the Secretary of the Interior.

The best interests of this institution, I stated in my last annual report, would seem to require that the control, both fiscal and administrative, thereof should be unified, and I see no reason to change the opinion thus expressed in the matter. Two thousand four hundred and twenty-seven persons were treated in this hospital during the past year, of whom but 808 were apparently from the District of Columbia. The appropriation for this hospital during that time aggregated $54,000, of which, under existing law, one-half, or $27,000, is to be paid from the funds of the District of Columbia, the other half by the United States, so that it practically costs the District of Columbia $33.41 per capita to care for its patients treated in the hospital.

The institution appears to meet a public necessity—to be doing good work—and there is no apparent reason why it should not be permitted to continue its beneficent work, at least until a municipal hospital is provided for the District of Columbia. In justice, however, to the

District of Columbia, that municipality should only be required to pay a reasonable sum for the care and treatment of its patients in the hospital, rather than bear one-half of the expenses of the management of the institution, without any regard to the number of patients belonging to the District treated therein. The law should accordingly be amended so as to provide that the United States should bear the whole expense of the maintenance of the Freedmen's Hospital and Asylum, and the Commissioners of the District of Columbia be authorized to enter into contract with the Secretary of the Interior for the care, at a reasonable rate per capita or otherwise, of persons from the District of Columbia cared for at the institution.

COLUMBIA INSTITUTION FOR THE DEAF AND DUMB.

The report of the president of the Columbia Institution for the Deaf and Dumb, made pursuant to the requirement of the act of February 16, 1857 (11 Stats., 161), shows that the pupils remaining in the institution July 1, 1899, numbered 118. Seventy-one were admitted during the year, of whom 120 were males and 69 females, making a total of 189 under instruction June 30, 1900. Thirty-five of these pupils were admitted as beneficiaries from the District of Columbia, and 60 were admitted to the collegiate department under the provisions of the act of August 30, 1890 (26 Stats., 417).

In the collegiate department there were 134 students and in the primary department 55, representing in both 31 States, the District of Columbia, Canada, and Ireland.

Nine students were graduated from the college with the bachelor's degree; 5 from the normal department with the master's degree, and 1 graduate of the college in 1899, who had pursued a year's post-graduate study in chemistry, received the master's degree.

The usual courses of study have been successfully pursued in all departments.

The president and vice-president of the college faculty attended an international Congress of persons interested in the education of deaf mutes, held in Paris in August last, and presented papers to the Congress.

An exhibit sent by the institution to the Paris Exposition received a gold medal.

Attention is called to the increase by Congress in an act approved June 6, 1900, of the number of free scholarships in the collegiate department from sixty to one hundred, and the remark is made that before this number is filled there will be need to enlarge the dormitory accommodations of the institution.

The total receipts of the institution from all sources amounted to $71,347.29, of which $65,000 was appropriated by the United States,

and $6,347.29 was received for board, tuition, room rent, etc. The expenditures were $71,295.30.

The sum of $3,000 was also received from the United States and expended for special repairs.

The estimates for the fiscal year ending June 30, 1902, for the support of the institution, including salaries and incidental expenses, for books and illustrative apparatus, and for general repairs and improvements, are $69,000, and $3,000 for special repairs to the buildings, including plumbing and steam-heating apparatus, and for repairs to pavements.

MARYLAND SCHOOL FOR THE BLIND.

Under section 2 of the act of Congress approved May 29, 1858 (11 Stat. L., 294), the Secretary of the Interior is authorized to place for instruction in an institution for the blind, in the State of Maryland or some other State, the indigent blind children of teachable age who are children of persons actually engaged in the military and naval service of the United States, and, under section 4869 of the Revised Statutes, the indigent blind children of teachable age belonging to the District of Columbia.

The report of the superintendent of the institution shows that in pursuance of this authority there were at the close of the last fiscal year (1899) 23 blind children under instruction in the Maryland School for the Blind at Baltimore, Md. Six were admitted, 4 have withdrawn, and 3 have died, leaving 22 beneficiaries at the institution on the 30th of June, 1900.

The course of instruction in this school commences in the kindergarten and embraces a thorough English education, including the studies of an advanced grammar-school grade, a special course of study being provided for those qualified to take same. Every opportunity is given to acquire a musical education, and those developing a capacity for same are encouraged to pursue a thorough course in this study. Careful attention is given to the physical development of the pupils, the gymnasium work being under the supervision of experienced teachers. Instruction in piano tuning and broom and mattress making is given to the boys, while the girls receive instruction in plain and machine sewing, mending, knitting, and various kinds of fancy work.

The school is equipped with a grand organ, pianos, orchestral instruments, typewriters, kleidographs, and a stereograph; by the use of the latter the pupils are provided with both literature and music in the New York Point. Every facility for the proper education and training of blind children in literature, music, and handcraft is in use in this school.

The cost for each pupil is $300 per annum, that being the amount charged by the State of Maryland for similar instruction to others.

The act of Congress making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1900, approved March 3, 1899 (30 Stats., 1101), provides, among other things, that—

> Hereafter one-half of the indefinite appropriation to pay for the instruction of the indigent blind children of the District of Columbia, formerly instructed in the Columbia Institution for the instruction of the Deaf, Dumb, and Blind, shall be paid out of the revenues of the District of Columbia, and the other half out of the Treasury of the United States.

The total amount expended during the year for the care and maintenance of the indigent blind children of the District of Columbia was $6,893.25.

HOWARD UNIVERSITY.

The president of Howard University, J. E. Rankin, D. D., reports that the progress made in said institution has been most satisfactory.

The total number of students who entered upon the several departments aggregated 810, from 40 different States and Territories and from 10 foreign countries. Of that number, 85 withdrew for various causes before the end of the year.

The university comprises seven departments: The English, in which 121 students were in attendance; the preparatory, 131 students; the collegiate, 34 students; the department of pedagogy, 122 students. Of this number, 25 are teachers in the city schools who recognize the superior advantages offered in this department for more thorough training in the science and art of education. The purpose of the department is to afford opportunity, both theoretical and practical, for the training of teachers of both sexes for elementary and secondary schools, and by instruction and direction to help those who desire to pursue studies and investigations in the science of education.

In the medical department, which includes the dental and pharmaceutical courses, there were 39 graduates. From the law department there were 15 graduates with the degree of LL. M. Owing to the change in the length of the regular course from two to three years, said change dating from October 1, 1898, there were no graduates with the degree of LL. B., and there will be none until May, 1901.

In the theological department 56 entered, two-thirds of whom supported themselves; of the remainder, all but two rendered a substantial return in manual work for the aid received.

Eight denominations are represented among the teachers and students, and all work in harmony. There are but two teachers engaged in the work· the increase in numbers creates an urgent need for an additional instructor. This department receives no Government aid, and is in great need of an adequate endowment therefor.

Attention is directed to the request made in last year's report that Congress be asked to appropriate for a chair of agriculture. With an

increase of 100 more students than in 1899, the need of such a chair is pressing. In harmony with such request, and as a beginning, the trustees have authorized the treasurer to set apart plats of ground within the university campus, to be employed by the students. Contributions are being solicited in order that a practice farm may be purchased within the limits of the District.

The university expended during the year about $3,000 for repairs of buildings, of which $2,000 was appropriated by Congress. The appropriation of $900 for the law and general libraries was expended under the direction of the several faculties, one-half of said sum for each library. The sum of $200 appropriated for chemical apparatus was expended for such purpose. Nothing was expended, directly or indirectly, for the theological department.

WASHINGTON HOSPITAL FOR FOUNDLINGS.

The report of the board of directors of the Washington Hospital for Foundlings, made in pursuance of the requirements of the act of April 22, 1870, shows that 80 children were provided for during the fiscal year ended June 30, 1900, of which number 33 were remaining in the institution from the previous year.

The adoptions for the year were 15, and the deaths recorded 20; of the latter 16 were under six months and none had passed the first year. The number remaining at the hospital June 30, 1900, was 47.

Including a balance of $4,889.11 from the last year, the total receipts from all sources were $17,756.39, of which amount $17,333.41 was expended in the operation of the institution, leaving a cash balance of $422.98 on June 30, 1900.

The board of directors state that in order to carry on the work of beneficence it is compelled to ask that the appropriation of $6,000 be continued by Congress during the fiscal year ending June 30, 1902.

I approve of this charity and recommend that Congress appropriate the funds desired, in order that the work of the hospital may be properly continued.

THE ARCHITECT OF THE CAPITOL.

The Architect of the Capitol, Mr. Edward Clark, reports that during the fiscal year ended June 30, 1900, in addition to ordinary repairs amounting to 754 in number, and the general renovation of the Capitol, a large amount of new work has been done, necessitated by the reorganization of committees and the reallotment of committee rooms. Many new washstands, radiators, etc., have been installed.

The heating and ventilating departments have been kept in proper condition, and good results have been obtained from the present system of ventilation in the Senate wing.

The committee and other rooms, including the offices of the Supreme

Court, the main vestibules of the attic story, Senate wing, and the gallery floor, House wing, were painted, amounting in the aggregate to 60,000 square yards.

The operation of the electric-light plant in the Capitol and the service of the building and grounds during the past year have been of the most satisfactory character. No mishaps have occurred which have placed in darkness any part of the building or grounds during the night hours.

The elevators in both wings of the Capitol have been thoroughly overhauled and put in good condition.

The statue of Gen. Ulysses S. Grant, presented by the Grand Army of the Republic, was placed in the Rotunda.

The Capitol grounds, which during the year were torn up by the construction of the large intercepting sewer, have been restored to nearly their normal appearance, and several of the other lawns have been reseeded and the walks and drives repaired.

General repairs have been made to the engine house and Senate and House stables, including the reconstruction of the plumbing.

Various repairs to the court-house, Washington, D. C., have been made during the year, including much work on the roof.

The Architect recommends appropriations for the fireproofing of the old portion of the Capitol building, and for a new system of ventilation for the Hall of Representatives.

PAN-AMERICAN EXPOSITION.

Under date of July 8, 1898, Congress passed a joint resolution regarding the holding of a Pan-American Exposition in the year 1901 upon Cayuga Island, between the cities of Buffalo and Niagara Falls, in the State of New York, to illustrate the development of the Western Hemisphere during the nineteenth century. The total appropriation for the Government exhibit, exclusive of buildings, was $300,000, of which sum $30,000 was allotted to the Department of the Interior.

Prof. Frank W. Clark, Department representative on the board of management of the Government exhibit, reports that 7,000 feet of floor space have been assigned to this Department, and that the preparation of exhibits from the Patent Office, Bureau of Education, Bureau of Indian Affairs, and Geological Survey are well under way. Provision, however, is yet to be made for the exhibits from the Census Office and the General Land Office. The other bureaus of the Department are nonexhibitors, lacking suitable material for exposition purposes.

The vouchers so far paid on account of the Department aggregate $1,100.56. The large expenses are yet to come.

All exhibits will be ready to ship by March 1, as the exposition opens on the 1st of May, thus allowing seven weeks at Buffalo for installation of same.

THE MARITIME CANAL COMPANY OF NICARAGUA.

Section 6 of the act of Congress approved February 20, 1889, entitled "An act to incorporate the Maritime Canal Company of Nicaragua," provides that said company shall make a report of its operations on the first Monday in December in each year to the Secretary of the Interior.

An advance copy of the report of this corporation showing its present status has been received, and is hereto appended (Exhibit E). The official copy, it is stated, will be forwarded to the Department in time for transmission to Congress on the date prescribed by law.

THE COLUMBIA RAILWAY COMPANY, OF WASHINGTON, D. C.

The president reports, in pursuance of the requirements of section 16 of the act of May 24, 1870 (16 Stat. L., 132), that the capital stock of the company is $400,000; that the par value of the shares is $50. The number of shares subscribed for up to the 31st day of December, 1899, is 8,000, of which 7,992 shares are held by the Washington Traction and Electric Company.

The receipts from all sources during the year ended December 31, 1899, were $184,544.07. The total disbursements during the year were $156,614.33. The total amount of the funded debt is $900,000; no floating debt; average rate of interest per annum on funded debt, 5 and 6 per cent. The amount of dividends declared was $24,000. The length of road in miles is 6.99. The length of double track, including sidings, is 6.92. Total number of passengers carried in cars during the year was 7,639,263. Average time consumed by cars over road was from 15 to 18 minutes on different divisions. One of the ten accidents occurring in 1899 resulted in the death of the person injured.

REMOVAL OF OFFICE OF INDIAN AFFAIRS, GENERAL LAND OFFICE, AND RAILROAD OFFICE.

The act of Congress approved June 4, 1897 (30 Stat., 28), provides, among other things, that—

> As soon as the present Post-Office Department building is vacated, as herein provided, the same shall be turned over to and thereafter be under the control of the Interior Department, to be occupied by the Indian Office, General Land Office, and such other offices or parts of offices or bureaus of the Department as the Secretary of the Interior shall direct.

After the building had been turned over to this Department it was thoroughly cleaned and renovated; the Indian Office was removed

thereto in November, 1899, and the General Land Office in March, 1900. Subsequently accommodations were provided therein for the office of the Commissioner of Railroads and for three boards of examining surgeons for pensions.

The Interior Department building has been cleaned and repaired for the use of the offices of the Secretary and of the Patent Office. A new and satisfactory telephone service has been installed, and steps have been taken looking to the construction and fixing in place of an elevator in the Ninth street wing of the building.

In my last annual report I stated that in readjusting the space to be assigned to the offices to be accommodated in the Post-Office building the disposition of the numerous records of such bureaus would prove a difficult problem, and the doubt was then expressed as to whether such records could be provided for without unduly crowding the clerical force. Practical experience has shown this doubt to have been well founded, and a large quantity of the records of the General Land Office which it was impracticable to remove must of necessity remain in this building, together with an accumulation of records belonging to the Patent Office, until provision can be made for their storage elsewhere. Many of these records are extremely valuable and it would be impossible to duplicate them in case of their loss or destruction. They should therefore be stored in some place which is practically fireproof, preferably in a hall or building constructed by the Government for the accommodation of its records.

In adverting to this subject in my last annual report I stated:

> There is no doubt that in the other Executive Departments there is just as large an accumulation of important records as there is here. Such being the case, it would be in the interests of economy and good government to provide a suitable building in which to properly care for these various records, and legislation looking to that end should, in my judgment, be enacted by Congress.

And this recommendation I desire, in view of the importance of the subject, to again bring to your attention.

Very respectfully,

ETHAN ALLEN HITCHCOCK,
Secretary.

The PRESIDENT.

APPENDIX.

EXHIBIT A.

A BILL providing for the adjudication by the Court of Claims and Supreme Court of pension claims involving difficult or important questions of law as a means of establishing judicial precedents for the guidance of the Secretary of the Interior and the Commissioner of Pensions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior may, during any calendar year, certify to the Court of Claims for adjudication, as herein provided, not exceeding five claims for pension, pending before him or the Commissioner of Pensions, severally believed by such Secretary to affect a class of claims and to involve an important or difficult question of law arising in the administration of the pension laws. The certification of any such claim shall consist of a concise statement by the Secretary of the Interior of the facts relating to said claim as found by him, and of the questions of law arising in connection therewith. The Secretary shall cause the claimant or his attorney or agent of record to be notified of such certification, and thereupon the Court of Claims shall proceed to the adjudication of said claim, giving special attention to the determination of the questions of law named by the Secretary of the Interior if deemed by the court to properly arise in the case and to be important or difficult of solution. The judgment of the Court of Claims shall direct the allowance or rejection of the said claim, in whole or in part, as to the court shall seem right under the facts certified and the law applicable thereto. Either party may appeal from the judgment of the Court of Claims in any such case to the Supreme Court in the same manner in which appeals are taken from the judgments of the Court of Claims in other cases. The final judgment in any such case shall be certified by the clerk of the Court of Claims to the Secretary of the Interior, under whose supervision it shall be carried into effect by the Commissioner of Pensions, in like manner as are decisions of the Secretary of the Interior upon pension claims. Upon it satisfactorily appearing to the Secretary of the Interior that the claimant in any case so certified is without sufficient property or means to enable him to prosecute said claim in the courts, as herein provided, such Secretary shall be authorized to employ suitable counsel of the claimant's selection at a cost of not exceeding one hundred dollars for the services to be rendered in each court, which compensation, upon the completion of the services to be rendered, shall be paid upon the warrant of the Secretary of the Interior out of the money appropriated for the payment of pensions of the class to which said claim belongs. It shall be the duty of the Attorney-General to cause some competent attorney from the Department of Justice or the Interior Department to appear and defend the interests of the United States in all such cases, which shall be advanced for hearing and decision in the respective courts as soon as may be practicable.

EXHIBIT B.

ANNUAL REPORT OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muscogee, Ind. T., September 1, 1900.

The SECRETARY OF THE INTERIOR.

SIR: I have the honor to transmit herewith the annual report of the Commission to the Five Civilized Tribes for the fiscal year ended June 30, 1900.

Very respectfully,

TAMS BIXBY,
Acting Chairman.

PREFATORY.

The Commission to the Five Civilized Tribes was created by act of Congress March 3, 1893, with instructions to enter into negotiations with the several nations of Indians in Indian Territory for the allotment of land in severalty or to procure the cession to the United States of the lands belonging to the Five Tribes at such price and terms as might be agreed upon, it being the express determination of Congress to bring about such changes as would enable the ultimate creation of a Territory of the United States, with the view to the admission of the same as a State of the Union. The ever-changing kaleidoscope of human events has wrought during the past seven years in the personnel of the commission, as well as in the territory with which it had to deal, a full quota of changes, involving, aside from the present membership, the appointment of Messrs. Meredith H. Kidd, of Indiana; Thomas B. Cabaniss, of Georgia; Alexander B. Montgomery, of Kentucky; Frank C. Armstrong, of Washington, D. C., and A. S. McKennon, of Arkansas, whose retirement has been brought about by the vicissitudes of political life, change in legislation, or the demands of private interests.

The results which have thus far been attained, and the means adopted for their attainment, are fully set forth in this and preceding reports. Had it been possible to secure from the Five Tribes a cession to the United States of the entire territory at a given price, the tribes to receive its equivalent in value, preferably a stipulated amount of the land thus ceded, equalizing values with cash, the duties of the commission would have been immeasurably simplified, and the Government would have been saved incalculable expense. One has but to contemplate the mineral resources, developed and undeveloped, and existing legislation with reference thereto, to realize the advantages which awaited such a course. When an understanding is had, however, of the great difficulties which have been experienced in inducing the tribes to accept allotment in severalty—a direct division of their estate with consequent individual ownership of their homes—it will be seen how impossible it would have been to have adopted a more radical scheme of tribal extinguishment, no matter how simple its evolutions. Nevertheless the plan adopted by the commission for the administration of this vast estate is not without its advantages; and when its labors, and those of the various officers who have been detailed or appointed to aid in closing the history of these nations shall have been completed, there will have been dissipated one of the most vexatious internal questions with which Congress in recent years has had to deal.

Instead of an arid western plain, occupied by the savage of tradition, as many suppose, the commission found a territory not greatly smaller than the State of Maine, rich in mineral and agricultural resources and in valuable timber; a country which has been occupied and cultivated for over half a century, whose fertile valleys

yielded bountiful harvests of southern products, and on whose prairies grazed a quarter of a million cattle yearly; where cities had sprung up; through which railroads had been constructed; and where five distinct modern governments existed, independent of the sovereignty of the United States.

For diversity, the social and political conditions found here were unexampled. Thousands of white children without the meanest of educational advantages, yet no one of the nations without an institution of learning that would have been a credit to a more advanced civilization; men of Indian blood whose genius would have adorned the halls of Congress or challenged admiration in the *fin de siecle* business world—high minded, able, and politic; and within the same tribes, in no small numbers, those who, when in normal condition, had scarcely sufficient intelligence to realize or express the ordinary wants of man. Men and women to depict whose characters were to introduce the biographies of patron saints, yet among whose neighbors might be counted some of the most notorious criminals that have infested the western borders. Indeed, the phases of life found here were as variegated as the hues of autumn, and the degrees of intelligence and civilization as widely separate as East from West. Nature, were she to have searched the country from end to end, could have found no more appropriate canvas upon which to display her moods.

The commission's duties have at times been found extremely arduous, yet never uninteresting. It has earnestly endeavored in the course of its labors not to lose an opportunity to secure and retain the confidence, not only of those who have received the benefits of education and society, but of the ignorant full-blood and negro as well, and to impress upon their minds the benefits of civilization and education and the beneficent advantages of that Government, which, more than any other in the world, affords liberty, protection, peace, and prosperity to its subjects.

ANNUAL REPORT.

The legal status of the several tribes has undergone no change during the past year, and the duties of the commission, as well as the methods of their discharge, remain substantially the same as have been minutely detailed in former reports. Therefore, little more need be required for a full understanding of the present condition of the work of the commission than an account of the progress that has been made along the same lines and by the same methods already, and especially in the last annual report of the commission, presented with a fullness of detail to which but little can be added.

It is proper, however, before entering into that detail to call attention to the great improvements in the conditions under which this work has been prosecuted, and the gratifying indications of a more rapid advance in the future to a successful attainment, with the acquiescence of the tribes themselves, of the end sought in the creation of this commission, viz, a reorganization of the relations existing between them and the General Government. First and fundamental in any such reorganization, as understood by the commission, is a change from communal holding in the separate tribes of all tribal property to separate individual titles among their citizens as nearly alike in all the tribes as possible. Thus it is hoped by a consequent uniformity of political institutions to lay the foundation for an ultimate common government, made possible through a common interest and general desire in them all. This has been the end aimed at in all the endeavors of the commission. The chief difficulty encountered from the beginning has been the inability to obtain the acquiescence and cooperation of the tribes themselves, without which any change in their titles guaranteed to them by treaty is impossible. These obstacles and their cause have been in former reports sufficiently brought to the attention of the Government, and it is desired at this time only to refer to the gratifying changes in this respect under which the work of the commission is now being prosecuted.

The hostility to any change in their old ways, everywhere intense in the race, coupled with an inability to comprehend any benefit to them, as well as a distrust of the professed object of the proposal and the opposition of exclusive individual interest, which had taken deep root in spite of the common basis on which their governments rest, encountered at first by the commission have been gradually relaxed. A better understanding of the necessity and character of the change and of the purposes of the commission has prevailed. This has been more marked during the past year than at any other time during the presence of the commission among their people. It is hardly too much to say that, with the exception of a small fraction of full-bloods who keep aloof and isolated, all the citizenship of the tribes is now in hearty cooperation with the commission in an endeavor to bring to a speedy conclusion the original undertaking of the commission. Indeed, impatience of delay and a cry for its completion by a single stroke, arising from a failure to comprehend the difficulties which its final execution involves, now embarrass the commission much more than open hostility. This trouble is the most natural and excusable result of the paralyzing effect upon all their business and other relations which so radical a change, certain to come upon them in the near but uncertain future, is producing in all the most prosperous portions of the Territory. The commission is therefore greatly stimulated, as well as encouraged, to make every possible exertion which the means placed at its command will make available to bring to a satisfactory conclusion the important duties with which it is charged.

The character of the final allotment necessitates an amount of preliminary work unknown in any other allotment in which the Government has hitherto engaged. It requires the allotment of all the land in the Territory, except such as is reserved for town sites and public purposes, to those who shall be determined by specific adjudication to be citizen Indians. The allotment is not to be of an equal number of acres to each allottee, but by equality of value as that value shall be determined by locality, fertility of soil, or any other element affecting values. The work must be so done that, when completed, each allotment will be as near as possible of equal value with every other. It follows that there is no certainty that any two of all the allotments will contain the same number of acres. This equalization of values is attended with great difficulty, and, to be of any value, requires a personal knowledge by the commission of all that concerns value in every locality of all parts of an area equal to that of the State of Indiana. This allotment is to be to such persons only as shall, by a prescribed method, be determined by the commission to be entitled to citizenship. No existing roll is conclusive of such citizenship, but the commission is, under the law, making new rolls of all citizens in its opinion entitled to enrollment. There are believed to be in the aggregate some 70,000 citizen Indians entitled to allotment, but many times that number claim the right. Judicial decisions, many involving difficult legal questions, are required of the commission in each case.

The work is further complicated by the fact that the land in each of the tribes is held by the nation in which it lies by a title differing, in some cases essentially, from the titles in the others, so that there can be no common rule applicable to all. This is true, also, as to the terms and measure of allotment to citizens in each, caused by qualifications in the title. The Choctaws and Chickasaws own their land in common by a title in which the United States guarantees "to each and every member of either tribe an equal undivided interest in the whole." The tribes, however, by an agreement among themselves, not affecting the title, occupy separate portions designated by a division line, and expect allotment to conform to this division. There are three classes of Choctaw citizens, known as "Choctaws," "Mississippi Choctaws," and "Freedmen," entitled to tribal property in different proportions and on different conditions. There is also in the Chickasaw Nation, in addition to the Chickasaw proper, a disputed claim of Freedmen, the validity of which is yet to be determined by a suit in the Court of Claims. The equal value of all allotment in these nations

is to be determined in the face of superincumbent leaseholds covering a large portion of the area, carrying the right to mine all coal and other minerals in the same.

The commission encounters every day other work preliminary to final allotment, such as questions of compensation for improvements found on land taken by allottees, claims of a right of occupancy by noncitizens in the way of allottees, and of priority of right to the same allotment. But what has already been called to notice will suffice to bring this work into striking contrast with that of allotting to Indians on reservations, where all that is required is the allotment of a specific number of acres, without regard to comparative value, in such locality as seems best to the allotting commission, to each Indian found on the agency rolls, and then a disposal of what is left of the reservation.

This work, necessarily preceding final allotment, has largely engaged the attention of the commission during the past year, and with a better feeling among the tribes toward the work, bringing to its aid cooperation and valuable assistance, encouraging progress has been made.

LEGISLATION AND AGREEMENTS.

On the 3d of January, 1900, three members of the commission, Messrs. Dawes, Bixby, and McKennon, at the request of the Secretary, met at the Department in Washington the chiefs of the Cherokee and Creek nations for consultation. This conference was held at the solicitation of those chiefs, who represented their respective tribes as very much dissatisfied with prospective allotment under the provisions of the Curtis Act. They were beginning to understand more clearly than ever the great disadvantage they would be subjected to, in contrast with the other tribes, unless their conditions could be brought by agreements more in harmony with those which had been thus secured by them. They were for these reasons very anxious to open new negotiations. The result of this conference was the appointment of a commission by each of these tribes with ample power, and negotiations were at once opened at Washington. These negotiations engaged the attentions of these three commissioners at Washington till agreements were concluded with the Creek, on April 8, and with the Cherokee, on April 9. These agreements were immediately reported to the Secretary and by him laid before Congress for its action. Final action has not been taken on them by Congress. There is every indication that they are highly satisfactory to the great body of the citizens of both tribes, and that they will be speedily ratified by them at an early day after final action by Congress. When this is done final allotment will be made in all the tribes upon terms and by a tenure of title to which they have each assented.

The conditions and character of title will be substantially the same in them all, and will be the basis of an ultimate common government, the advantages of which will be common to all. This result will greatly facilitate and hasten the work of the commission. It will also contribute more than any other means within reach to the future welfare of all residents of the Territory. To the opportunities thus opened there is a more general appreciation among all, citizens and resident noncitizens alike, than at any time since the work began.

ENROLLMENT OF CITIZENS.

SEMINOLE.

The enrollment of the Seminoles, Indian citizens and freedmen, in conformity with their agreement with the United States of date December 16, 1897, was commenced in July, 1898, and finished August 30 of the same year; but no date had then been fixed after which children born to citizens shall not be added, so the roll could not then be made final. It having been provided in a subsequent agreement finally

ratified by Congress June 2, 1900, that "the commission shall place on said rolls the names of all children born to Seminole citizens up to and including the 31st day of December, 1899, and the names of all Seminole citizens then living," the commission has made an appointment at Wewoka, in the Seminole Nation, for the purpose of completing the final roll in conformity with said agreement. In making the roll as completed in August, 1898, the tribal roll of 1897 was used as a basis. This roll contained 2,964 names. To these were added 7 names, deemed by the commission entitled to enrollment, and 108 children born subsequently to the making of that roll. There were deducted for deaths, duplicates, and other errors in the tribal roll 253 names, leaving at the date of its completion a roll of 2,826 citizens then entitled to allotment. On the border line between this and the Creek Nation there are Seminoles who have made homes within the Creek Nation, and Creeks likewise in the Seminole Nation, all desirous of retaining their tribal citizenship. In the agreement with the Creeks now awaiting ratification provision is made for complying with this desire, believed to be satisfactory to all concerned, which if ratified and also assented to by the Seminoles will effect that result.

CHOCTAWS AND CHICKASAWS.

During the summer and fall of 1899 the commission had appointments at various points in the Choctaw Nation for the purpose of hearing applicants for enrollment as citizens of either the Choctaw or Chickasaw Nation. At each of these appointments the commission daily heard and acted upon as many applications as were presented. The enrollment of citizens of these two nations is dependent upon four things:

Enrollment by the tribal authorities of the nations.

Adoption by the national council or legislature of the nations.

Admission by the commission to the Five Civilized Tribes, or by the legally constituted authorities of the nations, acting under the act of Congress of June 10, 1896.

Admission by judgment of the United States courts in Indian Territory on appeal from the decision of said commission or nations.

The rolls of citizens, as prepared by the legally constituted authorities of the Choctaw and Chickasaw nations, were used as a basis upon which this commission identified applicants to be enrolled as citizens of these tribes. The commission found, however, that in these tribal rolls a number of names had been inserted after the expiration of the time in which said nations could lawfully hear and determine applications for citizenship in their respective tribes, and in such cases, in accordance with the act of Congress of June 28, 1898, these names being on the tribal rolls without authority of law, the commission denied such applications for enrollment.

After the completion of the work as designated, and of the fulfillment of the appointments made by the commission, upon its return to Muskogee, there still remained unaccounted for on the tribal rolls of both the Choctaw and Chickasaw nations a large number of citizens who were justly entitled to enrollment. It has always been the aim and endeavor of the commission to protect the interest of the full-blood citizens, and it was supposed that through ignorance many delinquents of this class had not appeared in person before the commission to make application for enrollment. It was therefore determined that a special effort should be made to enroll those who had not taken advantage of the appointments in the Choctaw and Chickasaw nations. The first step in this direction was to make a list of the delinquents in each county and district of the two nations and to place the same in the hands of the tribal officers of each county and district. The officers were instructed to search carefully for these persons and note after their names all the information they could obtain. In the majority of cases the commission found that these citizens had died between the making of the tribal rolls by the Choctaw and Chickasaw

nations in 1896 and the time of the appointments of the commission in the Choctaw and Chickasaw nations in 1898 and 1899.

Another large class of these delinquents were duplicate enrollments. Minor children living with some relative or guardian had been enrolled by the tribal authorities as the children of these guardians. When their parents were enrolled they also gave to the census enumerators of the tribe the names of these children. This caused a double enrollment. In 1898 and 1899 the commission, not knowing that children could have been enrolled twice by the authorities of the nations, identified them from the tribal rolls and listed them for enrollment. When the large number of persons whose names appeared on the 1896 roll, who had not personally appeared before the commission, was ascertained, inquiries were addressed to persons very familiar with the rolls of the two nations and the preceding facts became known.

In addition to the above classes there were found, however, a large number of citizens of these two nations who were entitled to enrollment, but who had never personally appeared before the commission. The tribal rolls of the Choctaw Nation, made by the tribal authorities in 1896, contained the names of 15,191 citizens of the Choctaw Nation by blood and 985 by intermarriage. The commission has, up to this time, accounted for all of these except 167. Fourteen thousand two hundred and forty-eight of the citizens by blood, whose names appear upon the tribal rolls, have been accounted for by the commission and, with the exception of those found to be on the tribal rolls without authority of law, have been listed for enrollment by the commission. Seven hundred and seventy-six of the citizens by blood, whose names appear on the 1896 roll, have died since the making of said roll, and the names of 167 citizens of the Choctaw Nation have not yet been accounted for. Of the 985 intermarried citizens on the tribal rolls of Choctaw Nation of 1896, all have been accounted for—21 having died subsequent to that year, and the remaining 946 having been denied or listed for enrollment, according as their tribal enrollment had or had not been in conformity with law.

On the Chickasaw tribal roll of 1896 there were found the names of 4,699 citizens by blood, all of whom have been accounted for except 74. Upon the same roll appear the names of 476 intermarried citizens of the Chickasaw Nation, 462 of whom have been accounted for by the commission. The roll of the Choctaw freedmen made in 1896 contains 3,743 names, all but one of which have been accounted for by the commission.

The rules and regulations of the Department requiring that "each applicant for enrollment shall present himself in person before the commission at one of its appointments within the tribe in which such applicant claims right to enrollment" it was determined that appointments should be made in the Choctaw and Chickasaw nations for the purpose of giving delinquents another opportunity to appear in person before the commission for enrollment. Such an opportunity was granted at Atoka, in the Choctaw Nation, from June 4 to June 8, inclusive, and at Colbert, in the Chickasaw Nation, from June 11 to 21, inclusive, 1900, and at these two appointments the commission did hear and enroll a number of these delinquents, and also accounted for a large number of others who had died since 1896. For the most part, however, the time of the commission at these sessions was taken up with hearing applicants whose Indian citizenship had never been recognized by any authority. This class of claimants besieged the commission in great numbers, coming, in many instances, from great distances, entailing, not only on themselves but on the commission, hardships which they might have been spared but for the constantly circulating reports emanating from enterprising attorneys and others by which those possessing any degree of Indian blood were led to believe that they were entitled to enrollment and that, though the commission should reject their application, they would receive favorable consideration when reviewed by the Department.

The question of intermarriage in the Choctaw and Chickasaw nations is still open. The Choctaw laws as to intermarriage gave to any white man intermarrying with a Choctaw woman the right to become an intermarried citizen of that nation, provided that he was married in accordance with the Choctaw law, which only requires his obtaining a license from the legally constituted authorities of the Choctaw Nation. In the Chickasaw Nation it is required that the marriage license issued to a white man to marry a Chickasaw woman could be issued by the judges of the county courts of the Chickasaw Nation upon payment of a license fee of $50. On the 30th day of November, 1899, the Chickasaw legislature enacted a law providing that the marriage-license fee for a white man to marry a Chickasaw woman should be $1,000, and such act of the Chickasaw legislature was duly approved by the President of the United States, December 18, 1899, and on that day became effective. Since then, however, the commission has had a number of applicants for enrollment as intermarried citizens of the Chickasaw Nation, and in every case where a white man has presented a license issued by the county judge of the Chickasaw Nation, he has under oath stated that the fee he paid for such license was only $50. In these cases the commission has not enrolled the applicant as an intermarried citizen of the Chickasaw Nation, but has placed him on a doubtful card, pending a decision as to the legality of such marriage license.

The commission has for the past year been overwhelmed with a large number of applications for enrollment as citizens by blood of the Choctaw and Chickasaw nations who seem to have no reasonable rights to citizenship and whose sole basis of claim is the fact that some of their ancestors had Choctaw or Chickasaw blood. Up to the approval of the act of Congress of May 31, 1900, the commission was compelled to hear each applicant and take a full and complete statement of his or her case, and in each instance had to refuse the enrollment of the applicants for the reason that they did not come within the provisions of the law under which it was authorized to enroll citizens in these two nations.

The number of such cases heard and acted upon by the commission in these two nations during the fiscal year ended June 30, 1900, was 754, embracing 1,966 people.

The act of Congress, approved May 31, 1900, which provided that the commission "shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof and duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final when approved by the Secretary of the Interior," has greatly facilitated the work of the commission in disposing of these cases. In each and every one of the cases heard before the passage of the act of Congress of May 31, 1900, the applicants have filed a large number of affidavits, tending to show their Indian blood, but not in any way indicating their right to enrollment as citizens of the Choctaw or Chickasaw nation. These affidavits have been made a part of the record in each case and will be forwarded to the Department for consideration.

CHOCTAW AND CHICKASAW COURT CLAIMANTS.

The interests of the citizens of the Choctaw and Chickasaw nations are so closely affiliated that it is difficult to classify them, and especially is this true as to those persons who have been admitted to citizenship in the two nations by the judgment of the United States court for the central and southern districts of Indian Territory, on appeal from the decision of the commission, on application submitted under the act of June 10, 1896.

The great difficulty in this class of cases has been that applicants for citizenship in the Choctaw Nation in 1896 were, in a great number of cases, claimants to Chickasaw citizenship, and their petitions were prepared and submitted for Choctaw citizenship

through ignorance of the tribe to which they belonged. The same is also true of the Chickasaw claimants.

Passing over the question of whether they were rightfully admitted to citizenship in the Choctaw and Chickasaw nations, the commission has to report in these cases the following facts:

In the Choctaw Nation there were admitted to citizenship by the United States courts in Indian Territory 2,175 persons, and in the Chickasaw Nation 784, who, in accordance with said judgments, were listed for enrollment as citizens of the nations upon their personal appearance and exhibition of the judgment by which they were admitted. It developed, however, that in listing these parties for enrollment a number of names appeared in the judgments of the courts which were not contained in the original application made to this commission under the act of Congress of June 10, 1896.

The commission called the attention of the United States courts to this fact; and, upon motion made, the said courts issued orders correcting the judgments heretofore rendered in these cases by striking therefrom those names which did not appear in the original application, but which had been interpolated in the appeal taken from the decision of the commission. The ground for such action on the part of the courts was that, their names not having appeared in the original application, the courts were without jurisdiction to act. Seventy-six names have been thus stricken from the original judgments in the Choctaw Nation and 125 in the Chickasaw Nation. This leaves the names of 2,099 persons on the Choctaw rolls and of 659 persons on the Chickasaw rolls who have been duly listed for enrollment in accordance with judgments of the United States courts in the Indian Territory.

The final disposition of these claims will undoubtedly be delayed for an indefinite period. The Choctaw and Chickasaw nations assume that those persons who have been admitted to citizenship by the courts, if enrolled by the commission, will be entitled to participate in the distribution of lands, thus reducing the common domain of the two nations and the distributive share of those persons in each whose membership is undisputed by the tribes, and contend that as the Choctaw Nation was not made a party to the suits instituted for Chickasaw citizenship and the Chickasaw Nation was not made a party to those suits instituted for Choctaw citizenship the judgments granting citizenship are void, on the theory that the property of one tribe can not be affected by proceedings instituted against another.

Another question as to the disposition of the claims of those persons whose names have been stricken from the judgment of the courts arises. Certainly their only rights in said nation were derived through said court judgments, and in accordance with which they were listed for enrollment by the commission. Now the court orders that their names be stricken from said original judgment, and they take no rights thereunder. This leaves the commission in doubt as to whether it has in these cases original jurisdiction under the act of Congress of May 31,1900.

MISSISSIPPI CHOCTAWS.

The number of persons identified as Mississippi Choctaws, and reported to the Secretary of the Interior in report of March 10, 1899 (Sixth Annual Report, pp. 77 to 80, inclusive), is 1,923. The number of persons who have made application to the commission for identification as Mississippi Choctaws and been given a hearing, whom the commission has been unable to identify as Mississippi Choctaws entitled to share in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830, up to and including June 30, 1900, is 1,665.

Since it has become generally known that the commission is without authority to enroll any person as a citizen of the Choctaw Nation unless he has been duly recognized by the tribal authorities of that nation as a citizen thereof, or his name appears

upon some of the tribal rolls of that nation, or that he was admitted to citizenship in the Choctaw Nation by this commission, acting under the act of Congress approved June 10, 1896, or by the decree of the United States courts for the Indian Territory, and that persons are permitted to make application for identification as Mississippi Choctaws, the tendency seems to have been for all Choctaw applicants to apply as Mississippi Choctaws. The opinion seems to be prevalent among the ignorant classes of people that all that is necessary to entitle them to be identified as Mississippi Choctaws is to prove that some of their ancestors were Choctaws and at one time resided in the State of Mississippi. This they in most cases have no trouble in doing, at least to their own satisfaction; but in no instance in the Indian Territory has an applicant proved conclusively that any of his ancestors ever, in fact, took advantage of the provisions of the fourteenth article of the treaty of 1830, and received land in Mississippi thereunder.

The commission, in its report to the Secretary of the Interior of March 10, 1899, as to the identity of Mississippi Choctaws, in conclusion stated as follows:

We are satisfied that there are yet from 300 to 500 full-blood Choctaw Indians in the State of Mississippi who did not appear before the commission and whose names it did not secure, many of whom are residing in different portions of the State, only a few in each county, their location not definitely known, while many others, living in the counties visited refused to appear for identification, fearing that advantage would be taken of them and they be forced to remove to the Indian Territory.

Being desirous of granting to such full-blood Indians residing in the State of Mississippi as have not yet appeared before the commission and made application such an opportunity, the commission has made an appointment at Hattiesburg, Union County, Miss., from December 17 to December 22, 1900, inclusive. The commission will at that time and place hear such persons as may present themselves and make application for identification as Mississippi Choctaws.

In the opinion of the commission sufficient time and opportunity has been granted to all persons to take advantage of the provisions of the act of June 28, 1898, and it has, therefore, to recommend legislation terminating the hearing of such applications, so that the final report may be made by the commission as to the result of its efforts in the matter of the identification of Mississippi Choctaw Indians entitled to share in the division of the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830, as contemplated by the act of Congress of June 28,1898.

This report should be made to the Secretary of the Interior, in our opinion, a sufficient time before the final closing of the rolls of the Choctaw Nation so that those Indians who have been identified by the commission as entitled to enrollment as citizens of the Choctaw Nation under the provisions of the act of May 31, 1900, may be properly enrolled upon the final rolls of the citizens of the Choctaw Nation to be submitted by the commission to the Secretary of the Interior for his approval.

Recapitulation of number of persons who have been listed for enrollment.

CHOCTAWS.

Listed for enrollment as citizens of the Choctaw Nation by blood and intermarriage		15,228
Listed for enrollment as doubtful claimants to enrollment, to be disposed of during January, 1901		1,039
Listed for enrollment as Choctaws in accordance with the judgments of the United States courts for the central and southern districts, Indian Territory	2,175	
Of which the names stricken from the original judgment number	76	
Leaving as court citizens		2,099
Total number of persons listed for enrollment in the Choctaw Nation		18,366

CHICKASAWS.

Listed for enrollment as citizens of the Chickasaw Nation by blood and intermarriage		5,334
Listed for enrollment as doubtful claimants to enrollment, to be disposed of during January, 1901		412
Listed for enrollment as Chickasaws in accordance with judgments of United States courts for the central and southern districts, Indian Territory	784	
Of which the names stricken from the original judgment number	125	
Leaving as court citizens		659
Total number of persons listed for enrollment in the Chickasaw Nation.		6,405

CHOCTAW FREEDMEN.

Listed for enrollment as Choctaw Freedmen	3,875
Listed for enrollment as doubtful claimants as Choctaw Freedmen	294
	4,169

CHICKASAW FREEDMEN.

Listed as Chickasaw Freedmen	5,415
Listed as doubtful claimants as Chickasaw Freedmen	205
	5,620

REJECTED CASES PASSED ON DURING FISCAL YEAR.

Rejected as Choctaws	1,660
Rejected as Chickasaws	306
Rejected as Choctaw Freedmen	56
Rejected as Chickasaw Freedmen	8

MISSISSIPPI CHOCTAWS.

Number of persons identified as Mississippi Choctaws and reported to the Secretary of the Interior in the report of the commission of March 10, 1899	1,923
Number of persons whose claims the commission has heard and been unable to identify and refused to June 30, 1900	1,665

It is most important that a date be fixed in these two nations for the final closing of the rolls of citizenship therein, and to this end during the past fiscal year, two agreements have been entered into by the commission and the authorities of these two tribes to close these rolls. The first agreement was made in September, 1899, providing for the final date of closing the rolls as October 31, 1900. This agreement failed through want of ratification by the Chickasaw Nation. Another agreement was entered into in May, 1900, but did not meet with the approval of the Secretary of the Interior, and was therefore not submitted to Congress nor the Choctaw and Chickasaw nations for ratification. This leaves the rolls of citizens of these two nations still open, and the commission is daily enrolling children in said nations and must also continue to enroll white persons who are intermarried to recognized citizens of either of the said tribes, when married in conformity to their laws. The commission will again in the near future endeavor to reach an agreement with the Choctaw and Chickasaw nations for the final closing of these rolls.

CREEKS.

In preparing the rolls of citizens of the Creek Nation many difficulties have been encountered. A large element of full-blood Creek Indians have been, and still are to some extent, very much opposed to severing their tribal relations and accepting allotments of land in severalty. From the inception of the work of enrollment, in the fall of 1897, these full-bloods have not only retarded it by their refusal or indisposition to appear before the commission for enrollment, but have used their influence to deter the more conservative Indians from enrolling. It was this same element which caused the commission much trouble and inconvenience in procuring the authenticated tribal rolls of the Creek Nation, which were not secured until after the passage of the act of Congress of June 28, 1898, commonly known as the Curtis Act. Before the passage of this act the commission possessed no legal authority to compel the production of these rolls, and was unable to make a satisfactory enrollment under the then existing conditions.

Under the act of Congress of June 10, 1896, and the act amendatory thereof of June 7, 1897, authorizing the commission to make rolls of citizenship of the Five Nations in the Indian Territory, a census was taken, beginning in the fall of 1897, of all citizens of the Creek Nation, Freedmen included. The commission, not being in possession of the rolls, was compelled to go on with the work without them, and could only rely upon such information as was furnished by the town kings of the several Creek towns, and the applicants or their friends and relatives who appeared before the commission to be listed as citizens. While the census thus taken is not a roll of citizens, and was never intended to be regarded as such, it nevertheless has served its purpose and has been of great assistance in making the rolls.

The act of Congress of June 28, 1898, authorized the commission to secure the Creek tribal rolls. After many delays, caused by the reluctance of the Creek authorities to deliver them to the commission, the rolls have all been secured from time to time, with a few exceptions, and are now in possession of the commission. The rolls thus secured consist of the authenticated tribal roll of 1890, the roll of Creek Freedmen, made under the authority of the United States, prior to March 14, 1867, commonly known as the Dunn roll, the 1891 omitted roll, all of the town pay rolls of 1895, excepting those of Little River Tulsa, and Tulsa Canadian towns, and all of the authenticated town census rolls of 1895, excepting those of the Arbekochee, Canadian Colored, Broken Arrow, Ketchapataka, Lochapoka, Nuyaka, Taskegee, Thlewathle, Tuckabatchee, Tulladega, Tullahassochee, and Tulwathlocco towns.

Among the many other difficulties encountered in the enrollment of the Creeks is the identification of persons from the rolls. Many of the full-blood Indians have been known by five or six different names, such as Creek or Euchee names, English names, Busk names (a name given them by the tribal band to which they belong), and possibly a name given them while attending school, while many have also been known by their given names. An actual case illustrates the difficulty of identification. One John Buck appears before the commission for enrollment. A careful search is thereupon made on the rolls for his name, resulting in its not being found. After diligent search for different other names by which he has been known, his name is finally found on the rolls as "Co e cath tahny Yah lah pon co conthlany."

Since the commission secured possession of the Creek tribal rolls, coupled with the fact that the opposition heretofore referred to is gradually being overcome, and that the more radical Indians are beginning to realize that it is to their best interest to be enrolled, the work of making the rolls of citizenship is satisfactorily and gradually nearing completion.

The Creek Nation is divided into 47 different towns, 44 of which are classed as Indian towns and the remaining three as colored towns.

TABLE A.—*Statement showing the number of names enrolled in each town in the Creek Nation on the 1890, 1895, and 1891 omitted rolls.*

Towns.	1890 roll.	1895 roll.	1891 omitted roll.
Alabama	178	166	6
Arbeka	129	125	5
Arbeka Deep Fork	150	127	3
Arbekochee	73	98	.....
Artusse	139	145	11
Big Spring	188	188	7
Broken Arrow	402	375	67
Cheyahah	138	162	20
Concharty	187	189	8
Coweta	552	558	57
Cussehta	440	441	19
Eufaula Canadian	233	244	11
Eufaula Deep Fork	131	137	7
Euchee	575	590	33
Fish Pond	155	160	5
Greenleaf	104	114	5
Hickory Ground	319	343	16
Hillabee Canadian	107	106	2
Hitchete	192	197	12
Hutchechuppa	196	186	1
Ketchopataka	422	306	13
Kialagee	239	219	7
Little River Tulsa	346	385	20
Lochapoka	187	213	9
Nuyaka	229	208	10
Oeogufkee	180	240	7
Okchiye	216	182	10
Okfuskee Canadian	127	116	9
Okfuskee Deep Fork	85	85	13
Osoche	87	74	.....
Pukon Tallahassee	101	105	1
Quassarty No. 1	74	76	5
Quassarty No. 2	48	46	1
Taskegee	383	424	17
Thlewathle	195	200	9
Thloplocco	321	339	13
Topofka	91	83	1
Tuckabatchee	786	794	46
Tulladega	157	139	4
Tullahassochee	56	58	3
Tulmochussee	78	94	8
Tulsa Canadian	144	165	1
Tulwathlocco	173	164	10
Wakoyiye[1]	50	.....	.....
Wewoka	102	87	6
Total	9,463	9,453	528

FREEDMEN.

Arkansas	2,058	1,944	338
Canadian	1,337	1,443	138
North Fork	833	1,029	101
Total	4,228	4,416	576

RECAPITULATION.

Total Freedmen	4,228	4,416	576
Total Creeks	9,463	9,453	528
Total	13,691	13,869	1,104
Total 1891 omitted roll	1,104	.....	.....
Total 1890 and 1891 omitted rolls	14,795	.....	.....

[1] Wakoyiye annexed to Oeogufke town after the 1890 roll was made.

A very difficult problem to determine is the actual number of recognized citizens in the Creek Nation who are entitled to be enrolled as such, as there is no satisfactory enumeration. The commission took a census of the nation in 1897 and 1898, but as a large number of Indians refused to appear before the commission and furnish any

information concerning themselves or their neighbors, the census then taken was neither complete nor satisfactory. By reference to Table A (p. 167), it will be seen that the total number of names on the rolls of 1890 and 1891 is 14,795, while the number of names on the 1895 roll is only 13,689, showing a reduction of 926 names in a period of four and five years. This reduction is accounted for from the fact that the Creek authorities discovered that a large number of names had been fraudulently placed on the rolls for a pecuniary consideration, and that the names of many deceased persons had been left thereon in order that interested parties might participate in the per capita payments. Upon the discovery of this fact in 1895, the Creek council created a special committee, commonly known as the "committee of eighteen," which was given full power to revise the rolls, and eliminate therefrom the names of all deceased persons and all persons who had been placed thereon fraudulently. Pursuant to the authority thus conferred, this committee erased a large number of names of noncitizens and deceased persons from the rolls. By an act of the Creek council of May 30, 1895, a citizenship commission was created, whose duty it was to sit as a high court to settle and determine all cases brought before it involving the right of citizenship in the Creek Nation. This commission was given further authority by an act of the Creek council, approved August 10, 1896, to examine the census rolls of 1895, and satisfy itself of their correctness and correct them by erasure of noncitizens and deceased persons and by the addition of children, and submit the rolls so amended to the council for its approval. The rolls so amended were submitted to and approved by the Creek council in 1896, and are the last authenticated rolls of Creek citizens. In view of this fact and the further fact that a large number of those unaccounted for on the 1895 rolls are undoubtedly either noncitizens or dead, it is estimated that the total number of recognized Creek citizens will not exceed the total number of names appearing on these rolls.

TABLE B.—*Statement showing number of persons enrolled, those unaccounted for, and those reported dead from 1890 and 1895 roll.*

Town.	1890 roll.			1895 roll.		
	Enrolled.	Unaccounted for.	Reported dead.	Enrolled.	Unaccounted for.	Reported dead.
Alabama	78	54	46	83	65	16
Arbeka	60	40	27	61	48	16
Arbeka Deep Fork	46	88	16	56	60	11
Arbekochee	45	7	21	60	26	12
Artusse	80	35	24	84	35	20
Big Spring	124	41	23	88	46	11
Broken Arrow	284	67	51	298	42	35
Cheyaha	86	28	24	111	27	24
Concharty	129	24	34	144	21	24
Coweta	367	108	77	406	59	72
Cussehta	240	105	95	286	87	68
Eufaula Canadian	61	154	18	71	148	25
Eufaula Deep Fork	68	38	25	82	36	19
Euchee	239	237	99	301	237	52
Fish Pond	46	84	25	57	80	23
Green Leaf	26	66	12	26	77	11
Hickory Ground	147	136	36	134	166	43
Hillabee Canadian	8	88	11	11	86	11
Hitchete	97	63	32	109	58	30
Hutchechuppa	73	100	23	78	78	30
Ketchapataka	152	229	41	156	182	18
Kialagee	49	160	30	53	141	25
Little River Tulsa	104	190	52	126	223	36
Lochapoka	105	55	27	130	69	14
Nuyaka	122	51	56	133	52	23
Oeogufke	41	131	8	51	174	15
Okchiye	33	165	18	21	146	15
Okfuskee Canadian	17	104	6	19	86	11
Okfuskee Deep Fork	44	22	19	49	27	9
Osoche	50	13	24	54	10	10
Pukon Tallahassee	8	83	10	12	82	11
Quassarty No. 1	33	29	12	42	28	6
Quassarty No. 2	5	39	4	4	37	5

TABLE B.—*Statement showing number of persons enrolled, those unaccounted for, and those reported dead from 1890 and 1895 roll*—Continued.

Town.	1890 roll			1895 roll.		
	Enrolled.	Unaccounted for.	Reported dead.	Enrolled.	Unaccounted for.	Reported dead.
Taskegee	217	116	50	255	139	80
Thlewathle	89	79	27	95	91	14
Thloplocco	191	51	79	216	74	49
Topofka	11	74	6	15	59	9
Tuckabatchee	381	301	104	434	296	64
Tulladega	30	105	22	27	101	11
Tullahassochee	5	51	.....	4	54	.....
Tulmochussee	11	64	3	11	79	4
Tulsa Canadian	63	54	27	78	68	19
Tulwathlocco	63	64	26	84	63	17
Wakoyiye[1]	9	34	7	.....	.....	.....
Wewoka	17	67	18	16	63	8
Total	4,164	3,894	1,395	4,631	3,797	976

[1] Wakoyiye annexed to Oeogufke town after the 1890 roll was made.

NOTE.—This table does not include the three colored towns.

The total number of names appearing on the 1891 omitted roll is 1,104, of which number 576 are classed as Freedmen and 528 as Indians. Of the 528 Indians appearing on this roll, 158 have been enrolled, 358 are unaccounted for, and 15 are reported dead.

The act of Congress of June 28, 1898, makes it incumbent upon the commission to prepare two separate rolls of citizens of the Creek Nation, viz: Creek Indians and Creek Freedmen.

CREEK INDIANS.

The total number of Creek Indians enrolled to date is 6,060. Of this number 147 were born since the 1st day of July, 1899, and 14 are classed as doubtful. The enrollment of these children has been made for the reason that no date has been determined for closing the rolls. The Creek agreement of February 1, 1899, which was not ratified by Congress, provided that "No person born to any citizen after June 30, 1899, shall be entitled to enrollment." The agreement of March 8, 1900, now pending for ratification, extended the time to July 1, 1900. There being no existing law or agreement designating the date for closing the rolls, this enrollment is being continued.

The total number of Creek Indians on the 1895 roll (see Table B, p. 168) unaccounted for is 3,797. The total number enrolled therefrom, 4,631, and the total number reported dead, 976. The number unaccounted for consists largely of the full-blood class, among which the death rate has been exceedingly high. It is therefore estimated, after making due allowances for children and deceased persons, that the number not enrolled is not less than 2,500 or more than 3,000.

Under the provisions of the act of Congress of June 10, 1896, the commission to the Five Civilized Tribes and any legally constituted court or commission designated by the tribal authorities of any of the nations in the Indian Territory, were authorized to hear and determine the right of all persons who applied for admission to citizenship in either of the nations, with the proviso that if any person or tribe should be aggrieved by the decision of the commission, or the court or commission designated by the tribal authorities, an appeal could be taken to the United States court in Indian Territory. A large number of cases were heard and determined by both the commission and the Creek citizenship commission, a legally constituted tribunal created by an act of the Creek council of May 30, 1895.

The number of persons admitted to citizenship in the Creek Nation by these two tribunals and the United States court is as follows:

Total number admitted by Dawes Commission	255
Total number admitted by Creek citizenship commission	228
Total number admitted by United States court	70
Total	553

NOTE.—This statement includes both Creek Freedmen and Indians.

There appearing to be a wide discrepancy, which may be misleading, between the total number of Creeks enrolled, viz, 6,060, and the total number enrolled from the 1895 roll, as appears on Table B, viz, 4,631, the following table is prepared as explanatory thereof:

Total number enrolled from 1895 roll	4,631
Total number enrolled from list of names admitted by the Dawes Commission.	100
Total number enrolled from list of names admitted by Colbert citizenship commission	131
Total number enrolled from list of names admitted by United States court	60
Total number of persons born since 1895 up to and including June 30, 1899, and persons whose names only appear upon one of the two authenticated rolls of 1890 and 1895	991
Total number of children born since July 1, 1899	147
Total	6,060

CREEK FREEDMEN.

The act of Congress of June 28, 1898, confirmed the roll of Creek Freedmen made by J. W. Dunn, under the authority of the United States, prior to March 14, 1867, and directed the commission to enroll all persons now living whose names are found on said roll, and all persons born since the date of said roll to those whose names are found thereon, with such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek Nation.

The total number of names on the Dunn roll is 1,781. Of this number, 811 have been enrolled therefrom, 756 are reported dead, and 214 have not been enrolled. In all probability a large percentage of the total number that have not been enrolled are either dead or nonresidents. In view of this fact the enrollment of this class of citizens is nearly completed.

For convenience, the Creek Freedmen are here divided into five classes, viz:

First. Certain persons of African descent, whose names appear on the Dunn roll, and their descendants born subsequent to the making of said roll, March 14, 1867; provided they have complied with the terms of the laws of the Creek Nation and the laws of the United States relating to the enrollment of Creek citizens.

Second. Certain persons of African descent who were residents of the Indian Territory at the time of the making of the Dunn roll and by virtue of the Creek treaty of 1866 were entitled to be placed thereon, provided they have complied with the terms of the laws of the Creek Nation and the laws of the United States relating to the enrollment of Creek citizens, and have been duly enrolled and recognized as citizens of the Creek Nation by the Creek tribunal authorities and whose names are found on the authenticated tribal rolls of said nation.

Third. Certain persons of African descent who have been duly recognized and enrolled as citizens of the Creek Nation by the Creek tribal authorities and whose names appear upon the authenticated tribal rolls of said nation, provided they have complied with the terms of the laws of the Creek Nation and the laws of the United States relating to the enrollment of Creek citizens.

Fourth. Certain persons who have been born since July 1, 1899. (For full information relating to this class see reference previously made thereto in this report.)

Fifth. Doubtful citizens who have been enlisted for enrollment, but whose citizenship has not been fully considered and determined by the commission.

The following is a statement of the number of these classes that have been enrolled:

Total number of first class	4,051
Total number of second class	89
Total number of third class	461
Total number of fourth class	107
Total number of fifth class	212
Total number of Freedmen enrolled to date	4,920

By reference to table A, it will be seen that the total number of Freedmen on the 1895 roll is 4,416, and the total number enrolled 4,920, being 504 more than appears on the roll of 1895. After making due allowance for the natural increase by birth, the number of deceased persons, and the number that will probably be eliminated from the doubtful list when these cases are determined by the commission, it is estimated that the total number of Freedmen will be about 5,000.

No attempt is made to account for the names of Freedmen on the 1890 and 1895 rolls, for the reason that this class of citizens has been mainly identified from the Dunn roll, and their names have never been checked off from the 1890 and 1895 rolls, excepting the names of persons belonging to the third class herein specified.

The total number of Creek Indians and Creek Freedmen enrolled to date is 10,980. Of this number 3,945 Creeks and 364 Freedmen have been enrolled during the year ending August 15, 1900. If the same rate of progress is made during the ensuing year, the enrollment of Creek citizens should be completed by August 15, 1901.

The following is an estimate of the total number of recognized citizens in the Creek Nation:

Estimated number of Creeks	8,500
Estimated number of Freedmen	5,000
Total	13,500

This estimate is a conservative one, which may be exceeded by a few hundred, owing to the provisions of section 33 of the Creek agreement of March 8, 1900, now pending, which, if ratified, will give the commission authority to enroll certain full-blood Creek Indians now residing in the Cherokee Nation, and also certain full-blood Creek Indians now residing in the Creek Nation, who have recently removed there from the State of Texas, and such other recognized citizens found on the Creek rolls as might by reason of nonresidence be excluded from enrollment by the act of Congress of June 28, 1898. This estimate is subject to further increase if any provision is made for the enrollment of certain recognized citizens who claim to have been omitted from the 1895 roll.

In this connection attention is called to the fact that a number of applicants for enrollment, whose names could not be found on the 1895 roll, have made the claim that they received the per capita payment for that year, and that their names are on the 1895 "Omitted roll." No such roll is in the possession of the commission, but from repeated inquiries of the Creek authorities it is evident that such a roll was made.

CHEROKEES.

The commission, early in the year 1900, determined upon and advertised appointments for the enrollment of Cherokees (Indians, Delawares, and Freedmen) in Indian Territory. These appointments extended from May 14, to November 23, 1900, as follows:

Bennett.—From Monday, May 14, to Friday, May 18, inclusive.
Illinois.—From Monday, May 21, to Friday, May 25, inclusive.
Tahlequah.—From Monday, May 28, to Friday, June 8, inclusive.
Rose.—From Monday, June 11, to Friday, June 15, inclusive.
Spavinaw.—From Monday, June 18, to Friday, June 22, inclusive.
Grove.—From Monday, June 25, to Friday, June 29, inclusive.
Fairland.—From Monday, July 9, to Friday, July 13, inclusive.
Westville.—From Monday, July 16, to Friday, July 20, inclusive.
Stillwell.—From Monday, July 23, to Friday, July 27, inclusive.
Bunch.—From Monday, July 30, to Friday, August 3, inclusive.
Sallisaw.—From Monday, August 6, to Friday, August 10, inclusive.
Muldrow.—From Monday, August 13, to Friday, August 17, inclusive.
Fort Gibson.—From Monday, August 20, to Friday, August 31, inclusive.
Prior Creek.—From Monday, September 10, to Friday, September 14, inclusive.
Vinita.—From Monday, September 17, to Friday, September 28, inclusive.
Welch.—From Monday, October 1, to Friday, October 5, inclusive.
Bartlesville.—From Monday, October 8, to Friday, October 12, inclusive.
Nowata.—From Monday, October 15, to Friday, October 19, inclusive.
Oolagah.—From Monday, October 22, to Friday, October 26, inclusive.
Claremore.—From Monday, October 29, to Friday, November 9, inclusive.
Catoosa.—From Monday, November 12, to Friday, November 16, inclusive.
Chelsea.—From Monday, November 19, to Friday, November 23, inclusive.

A combination of circumstances theretofore unseen arose to prevent the fulfillment of those engagements prior to July 9, and the commission found it necessary to cancel same, preparing, however, to enter fully upon this work on the last-named date. No progress in the matter of enrollment of Cherokees is therefore to be reported for the fiscal year ended June 30, 1900.

APPRAISEMENT OF LANDS.

SEMINOLE NATION.

The appraisement of lands in the Seminole Nation, in conformity with the requirements of the agreement with that nation of date December 16, 1897, was in progress at the conclusion of the last report. The force employed and the manner of conducting the work, the number of men engaged in it, and the record of their doings, are all reported in the last annual report of the commission with sufficient particularity. A reference will save repetition here. The work was completed November 1, 1899, with the following result. The whole time consumed in the work was seven months. The total area of land appraised was 365,854.39 acres, as tabulated below:

Class.	Arbitrary value per acre, fixed by agreement.	Number of acres.	Total value.
1	$5.00	24,055.89	$120,279.35
2	2.50	248,837.48	622,093.68
3	1.25	92,961.02	116,201.25
Total		365,854.39	858,574.28

It will be understood that the valuation thus shown does not represent the actual value of the lands, the commission not being authorized to appraise these lands at their true value, but merely to designate which were best, which second best, and which third best, and when so classified the valuations shown attach by virtue of the agreement of December 16, 1897.

The field work and notes have been carefully examined and verified, and so arranged, as described in last report, as to be easy of access. It only remains of preliminary work, before proceeding to allotment to complete, as heretofore described, the role of Seminole citizens, before taking up the work of final allotment, which can then with all dispatch be carried on to the conclusion.

CHOCTAW AND CHICKASAW.

The land belonging to the Choctaws and Chickasaws is in one body, held in common by these tribes, and all preliminary work and final allotment must be in accordance with their agreement with the United States of date April 23, 1897. This agreement requires that the land belonging to these tribes "shall be allotted to the members of said tribes so as to give to each member of these tribes, as far as possible, a fair and equal share thereof, considering the character and fertility of the soil and the location and value of the lands." This necessitates an appraisal of the whole body of the land, an area much larger than all that belonging to the other three tribes. This appraisal was commenced at the beginning of the fiscal year, June 30 last. The appraisement party, under the direction of an appraiser in chief, was composed of four camps, each camp divided into two parties of two appraisers and one surveyor each. The first efforts were not very successful, owing to the great amount of sickness in the camps, which increased to such an extent as to compel the abandonment of one camp on August 12, and such members of that camp as were physically able filled vacancies in other camps. These conditions continued until cooler weather; but after the third camp resumed work on the 21st of October the work took on renewed energy and the appraisement progressed rapidly.

On November 18 the appraising camp from the Seminole Nation, having finished work in that nation, was made a part of the Choctaw-Chickasaw appraisement, thus putting five camps in the field with thirty men constantly employed as appraisers, and five extra men ready to supply any vacancies due to illness or other causes. The total number of acres appraised for the year under the above-mentioned disadvantages was 4,319,344.97 acres, making an average of 72,000 acres for the month, or 4½ sections per day per camp. The parties worked in the Choctaw Nation until 20th of April, 1900, appraising 3,090,841.63 acres of land, after which time they moved to the Chickasaw Nation, and up to June 30, 1900, had appraised 1,228,503.34 acres.

Each appraiser in charge of a camp is required to make a weekly report to this office, in which he shows the lands appraised, their classification and acreage, and also accounts for the presence of each man under his charge.

These reports are received at the office of the commission and thoroughly checked by experienced clerks, the progress of the work being shown in colors on a large map of the two nations.

As fast as the reports are verified the classifications and acreage are entered into the final records, similar in design to those used for the Seminole Nation, with the exceptions that the classifications are different and that the values will not be determined until both nations have been appraised.

When this appraisement has been completed and the values placed on each tract of land the same will be shown on a plat in the final records, after which, and upon completion of citizenship rolls, the land office for the Choctaw and Chickasaw nations will be opened.

The commission is now fitting out seven new land-appraising parties, four of which will begin work in the southeast corner of the Chickasaw Nation, working west, meeting the five parties now working south on the five west ranges of the Chickasaw

Nation, when they will complete the appraisement of this nation. The three remaining parties will enter the field in the northeast portion of the Choctaw Nation, appraising about 920,000 acres, after which time these parties, together with nine parties finishing in the Chickasaw Nation, will proceed to the Cherokee Nation for the purpose of appraising the lands of that tribe.

After these parties shall have left the Choctaw Nation there will yet remain about 2,000,000 acres of land to be appraised in this nation, and as it has been reported that timber of commercial value abounds in this locality, six camps will be outfitted, composed of expert timber examiners and estimators, each camp being supplied with a complete pack train, which will enable them to enter a country almost inaccessible in places, and where the use of wagons would be an impossibility.

Basing calculations on the above number of camps and the general topography of the country it is believed that the appraisement of the Choctaw and Chickasaw lands will be completed by July 1, 1901.

CREEK AND CHEROKEE.

All the work preliminary to final allotment which has been done and is yet to be done in the Choctaw and Chickasaw nations and in that of the Seminole is in conformity with the requirements of the agreements heretofore entered into with the United States by those nations respectively. It is otherwise with the Creeks and Cherokees. In the early work of the commission these nations were exceedingly reluctant to treat at all with the commission, but a better understanding of the purposes of the commission has served to do away with much distrust and to gradually bring about cooperation on the part of leading and influential citizens. This has brought about a free and unreserved interchange of views, resulting in an agreement with each of these nations now awaiting ratificationtion, which appears to be in the main satisfactory to all concerned. But before any such result seemed possible Congress undertook to bring about by enactment results in these two nations as nearly like those attained by the agreements with the other nations as it was believed Congress had power to effect by statute, unaccompanied with the assent of the tribal governments. Accordingly the act of June 28, 1898, commonly known as the Curtis law, was enacted. Final allotment under this law would give to the allotee only the exclusive use and occupation of the surface of his allotment, subject to the use of so much of that surface as was necessary for mining coal and other minerals found beneath by their separate owners. The preliminary work before such allotment is very similar to that required by the agreements with the other nations. But the allotment contemplated by the law is so out of harmony with that in the other nations and comparatively of so little intrinsic value, as well as incompatible with any common system of government, that it has been deemed of the greatest importance to effect, if possible, agreements which would do away with this great difference before proceeding with any work which might be disturbed by subsequent negotiations, and appraisement of lands, therefore, in these two tribes has not thus far been undertaken. Preliminary work, such as would be required in either event, has been prosecuted in these nations in connection with similar work elsewhere.

TOWN SITES.

The commission has not been able before the expiration of the fiscal year ended June 30, 1900, to take up the work required of it in the matter of town sites by the act approved May 31, 1900. That work will engage its attention at an early date.

PRELIMINARY SELECTIONS FOR ALLOTMENT.

The filing of selections preliminary to allotment in the Creek Nation has continued without interruption since the report of the commission for the fiscal year ending June 30, 1899, which report contained a full description of this work in detail.

The fact, however, of no agreement having been concluded between the United States and the Creeks has produced very many possibilities contingent on prospective changes of which cognizance had to be taken by the commission, but which, owing to their uncertainty, could not be treated as items of final record. These provisions, which related both to land reservations and to citizenship, have been the cause of much unsatisfactory and apparently, from the radical changes in the several agreements, useless provisional work.

Up to and including June 30, 1900, there have been 10,000 selections filed in the Creek Nation, amounting approximately to two-thirds of the total number of citizens, and covering the most thickly settled and improved lands of the nation. Accompanying this report is a map showing progress of preliminary allotment in this nation to June 30, 1900.

The greatest difficulty encountered by the commission in the allotment work has been from conflicting improvements arising from the necessity of reducing to lines of legal subdivision the irregular improvements and holdings of the citizens prior to allotment.

To intelligently make these reductions it has been necessary to subdivide sections, and plat farms and improvements, which has been done on a scale of 8 inches to 1 mile, using cross-section paper of two-chain subdivisions. Exhibits in the appendix show the method of platting and indicate holdings in a section before and after preliminary allotments were made. In the commission's report for the fiscal year ending June 30, 1899, will be found diagrams more fully illustrating the irregular holdings of citizens. From these plats it has been possible to allot to each citizen his improvements, notwithstanding their irregularity, and to conform at the same time to lines of legal subdivision, and also to avoid encroaching upon the adjoining improvements of other citizens.

In the Creek Nation the commission has done this subdivisional section work in 37 townships, it being necessary, from the conditions of improvements, to subdivide every section in some townships, while in others, where large pastures existed, it was found necessary to subdivide only such sections as were improved. This subdivisional section work in the Creek Nation has been done by one party composed of two surveyors, one plane-table man, and assistants.

The commission has one other party engaged in this work at present in the Chickasaw Nation, in the Ardmore Block, where extensive improvements are found, and where it has been necessary to subdivide every section.

As this subdvision work progressed many conflicts among the early selections were found to exist, and the commission has been adjusting these filings as they could be reached from time to time. The work of adjustment has been, however, very slow, owing to the difficulty of getting the interested parties in person before the commission, which is necessary to perfect these changes. Some existing conflicts have not yet been reached, owing to this difficulty, but most of them will be properly adjusted in time, without contest, as the prevailing spirit of citizens is simply to include their own improvements, as far as possible, and not to encroach upon anything belonging to others. There are exceptions to this rule, and in such cases settlements are reached through the institution of contest proceedings. The percentage of contests to the number of filings is small, however, being only about 2 per cent. The contests arising out of these preliminary selections were as follows on the 30th of June, 1900:

Number of contests filed	227
Cases in which final decision of commission had been rendered	90
Cases which had been disposed of without trial	87
Cases pending before the commission	50
Total	227

RECAPITULATION.

Contests finally disposed of	160
Contests pending before the commission	50
Contests pending on appeal to the Commissioner of Indian Affairs	17
Total	227

LEASES.

The first proviso of section 16 of the act of Congress approved June 28, 1898, is as follows:

Provided, That where any citizen shall be in possession of only such amount of agricultural or grazing lands as would be his just and reasonable share of the lands of his nation or tribe, and that to which his wife and minor children are entitled, he may continue to use the same or receive the rents thereon until allotment has been made to him.

On October 7, 1898, the Secretary of the Interior promulgated certain rules and regulations for the selection and renting of prospective allotments under provisions of this act. After prescribing the manner in which the selections of land should be made by the members of different tribes, there followed a provision with reference to the renting of the selections of such members, viz:

And thereafter he may occupy, control, and rent the same for any period not exceeding one year, by any one contract, until lands are in fact allotted to him under terms of said act, and will be protected therein by the Government from interference by all other persons whomsoever.

No contract for rent of any selection so made shall be valid or binding unless for adequate consideration and made in writing, in duplicate, and deposited in the office of said commission in which the selection is made. Said commission, after investigation, shall forward the same to the Secretary of the Interior for his approval, and when approved it shall be returned to such office of the commission, to be by it delivered to the parties, one copy to each.

By reason of the fact that the land office of the Creek Nation was not opened for the purpose of permitting citizens thereof to make selections of land until April 1, 1899, after the grazing season was well advanced, a very small proportion of leases covering grazing lands in the Creek Nation for the year 1899 were filed with the commission. The cattlemen, however, began early to make leases for grazing lands for the year 1900, and many of these leases were entered into during the months of July, August, and September, 1899. By the 31st day of December there were filed with the commission not less than 400 rental contracts for the season of 1900. Leases for agricultural and grazing lands were filed with the commission up to the month of July, 1900, the total number filed for this season being 1,059.

Many of the cattlemen have ignored the regulations of the Department with reference to filing leases with the commission, upon the advice of lawyers that the Department of the Interior exceeded its authority in making these rules and regulations with reference to the leasing of grazing lands. It may be stated as a conservative estimate that not to exceed 50 per cent of the land actually leased in the Creek Nation for this year is covered by the leases filed with the commission. A map showing the number of leases filed with the commission for this year is made a part of this report.

On the 2d day of February, 1900, the commission invited the attention of the Department to the attitude of lessors and requested a legal opinion in respect to the following regulation:

No contract for rent of any selection so made shall be valid or binding unless for adequate consideration and made in writing, in duplicate, and deposited in the office of said commission in which the selection is made. Said commission, after investigation, shall forward the same to the Secretary of the Interior for his approval, and when approved it shall be returned to such office of the commission, to be by it delivered to the parties, one copy to each.

On February 14, 1900, said letter of the commission on this subject was referred to the Assistant Attorney-General by the Department for an opinion in accordance with said request. On April 4, the Assistant Attorney-General rendered an opinion as follows:

After a careful study of this matter, I have not found any provision of law that in terms or by necessary implication directs that a contract for the renting of lands selected as prospective allotments shall be subject to the approval of the Secretary of the Interior.

Said opinion was approved by the Secretary of the Interior on the same day.

Prior to the rendition of this opinion, the commission had investigated and forwarded to the Department something in excess of 400 rental contracts for the approval of the Secretary. These contracts were held by the Department until an opinion should be received from the Assistant Attorney-General, and after this opinion was received, were returned to the commission for proper disposition.

The work made necessary before the commission could make any recommendation as to whether the leases were proper ones for the approval of the Secretary is as follows:

On May 11, 1899, the Secretary of the Interior instructed the commission as follows:

Hereafter you will require the rental contracts to be executed in triplicate and forward all three parts for the approval of the Department.

In a communication of June 6, 1899, from the Department is the further instruction:

Hereafter it will be held to be sufficient if the original leases only are sent to the Department for approval with proper revenue stamps thereon and without any revenue stamps for the notarial certificate, which said original leases, when approved, will be returned to your commission, to be retained in the files of said commission for future reference, and copies of said leases may be delivered to the lessors and the lessees.

Prior to the receipt of said instructions it had been the practice of the commission to forward the original and the only copy of the lease to the Department for approval. The method of procedure finally adopted by the commission with reference to these leases was as follows:

When a lease and two copies thereof is deposited with the commission for investigation, it is first given a number and then properly indexed, the card system of indexing being in use; it is then necessary to determine:

First. Whether the citizen who is the lessor is a proper party to the lease, and in case he enters into a lease covering the selection of some other party, whether he has authority to act for such party in the execution of the lease.

Second. Whether the land description given in the lease is the selection of the party referred to in the lease.

Third. Whether the rental period is a proper one.

Fourth. Whether the rental is adequate.

Fifth. Whether each contract bears the required amount of internal-revenue stamps properly canceled.

Sixth. Whether there are any clerical errors in the lease, such as errors in computing the total amount due on the lease; whether the names of the parties as signed to the lease correspond with the names given in the body of the lease, etc.

Upon receiving advice from the Department of its approval of the decision of the Assistant Attorney-General above quoted, the commission returned to the lessors and lessees in each instance a copy of each lease, retaining the original in its files.

The total number of acres in the Creek Nation covered by leases filed with this commission, covering the season of 1900, is 205,504.

CONCLUSION.

In conclusion, the commission commits itself to the belief that the work intrusted to its charge has, during the past year, progressed as rapidly as could have been expected. Many perplexing difficulties have been overcome and much opposition from those to be benefited has disappeared. Indeed, the chief opposition with which the commission has now to contend may be traced directly or indirectly to those to whom it might properly look for encouragement and support. This is true not only of the details of operations in the field, but in the negotiation of agreements as well. A share of the white population of the Territory, not confined to any one occupation or profession, with the same lack of appreciation of "the eternal fitness of things" which led them to intrude upon the domain of the Indians, now seek to dictate the policies to be observed with reference to the tribal domain, and may be seen constantly at the doors of Congress and before the United States courts petitioning for the "protection" of their "rights." Especially obnoxious, not only to the Indians themselves, but to every lover of justice, is that class of persons commonly known as "leasors," more correctly termed tenants or squatters upon Indian lands. In innumerable cases people of this class are clinging with death-like grip to lands which were unlawfully acquired by them, or, if lawfully acquired, illegally retained.

The sympathies of the commission are most heartily with the full-blood Indian whenever it has been his misfortune to become entangled with these despoilers of his peace. While all these things at present contribute to the unhappiness of the Indian and the embarrassment of the commission, they are slowly giving way before the unfolding operation of the laws of Congress and rules of the Department of the Interior intended for their relief.

The commission can not close its report without recording a tribute to Hon. A. S. McKennon, whose retirement occurred toward the closing months of the fiscal year. He has been with the commission from its beginning, and has contributed to the work great ability, untiring industry, and a rare devotion to the best interests of the people of the Territory which knew no abatement or qualification. His associates, who knew best the character of his services, more than others, can realize their value and the loss suffered by his retirement.

Respectfully submitted.

HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
CLIFTON R. BRECKINRIDGE.

EXHIBIT C.

LETTER FROM THE SECRETARY OF THE INTERIOR, TRANSMITTING, WITH THE DRAFT OF A PROPOSED BILL, A STATEMENT OF FACTS RELATING TO NEGOTIATIONS FOR PURCHASE OF CERTAIN GROVES OF SEQUOIA GIGANTEA IN CALIFORNIA.

DEPARTMENT OF THE INTERIOR,
Washington, April 20, 1900.

SIR: I beg to report the action taken by me under the following joint resolution of Congress, approved March 8, 1900:

[Public Resolution No. 10.]

JOINT RESOLUTION providing for the acquisition of certain lands in the State of California.

Whereas what are known as the "Mammoth Tree Grove" and "South Park Grove of Big Trees," species of *Sequoia gigantea*, located in Calaveras County, California, are now held in private ownership; and

Whereas the owner thereof now contemplates the sale thereof for the purpose of felling said trees and their conversion into lumber, which said project is threatened of consummation at an early date; and

Whereas the trees *Sequoia gigantea* of these groves constitute the largest collection and probably the finest specimens of the same in the world; and

Whereas the destruction of these trees would be an irredeemable loss to science and the loss of one of the marked wonders of the world: Therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, authorized and directed, at the earliest practicable date, to open negotiations for, and if possible procure a bond upon, the lands occupied by said groves of trees, in Calaveras and Tuolumne counties, California, with sufficient adjacent lands for their preservation, management, and control, and submit the same to Congress for action thereupon.

Approved March 8, 1900.

From the best information then at hand it appeared that Mr. J. L. Sperry, of Oakland, Cal., was the owner of these lands, subject to an option or bond thereon in favor of Mr. Robert B. Whiteside, of Duluth, Minn. Negotiations with a view to securing a bond upon the lands embracing these groves were thereupon attempted to be opened and conducted, as shown by the following copies of correspondence, all of which was by telegraph:

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, March 15, 1900.

Mr. J. L. SPERRY,
Oakland, Cal.:

By joint resolution of the 8th instant, Congress directed the opening of negotiations to procure a bond upon lands occupied by groves of big trees in Calaveras and Tuolumne counties, Cal., with a view to their preservation, management, and control by Government.

State total acreage of lands owned by you in said counties on which big trees are located, number of groves in all, and prices at which you would be willing to bond same for purchase by United States.

If amount demanded is excessive, effort will be made to have same condemned for public purposes.

E. A. HITCHCOCK, *Secretary.*

[Telegram.]

MARCH 15, 1900.

E. A. HITCHCOCK:

Your dispatch dated to-day to J. L. Sperry, Oakland, Cal., is undelivered.

Reason, party unknown and can't be found.

WESTERN UNION TELEGRAPH COMPANY,
1401 F Street.

[Telegram.]

OAKLAND, CAL., *March 16, 1900.*

E. A. HITCHCOCK, *Secretary:*

Have located J. L. Sperry in San Francisco and forwarded there your message of 15th.

Respectfully,

CLERK WESTERN UNION TELEGRAPH COMPANY.

[Telegram.]

SAN FRANCISCO, CAL., 24.

M. MAREAN,

Manager, Washington, D. C.:

Yours 16th J. L. Sperry, signed Hitchcock, receipted for by Sperry Flour Company same date. Place closed for the day. Will investigate and report fully Monday.

SAN FRANCISCO, CAL.

[Telegram.]

SAN FRANCISCO, CAL., *March 26.*

MAREAN, *Manager, Washington, D. C.:*

Your Government message of March 15 to Sperry, signed Hitchcock, reached Sperry personally. Not at present in city, but reply will be requested.

STEELE, *Manager.*

[Telegram.]

SAN FRANCISCO, CAL., *March 28, 1900.*

SECRETARY OF THE INTERIOR,

Washington, D. C.:

Big trees property has been sold to Robert Whiteside, of Duluth, Minn., but now in this State. Refer you to him.

JAMES L. SPERRY.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, March 15, 1900.

Mr. ROBERT WHITESIDE,

Duluth, Minn.:

Department is advised you hold option from J. L. Sperry on lands in California on which are located groves of big trees. Congress, by joint resolution of 8th instant, authorized this Department to procure bond upon such lands with view to their preservation, and submit report to it.

State whether you propose availing yourself of such option, and if so, for what sum would you dispose of lands to United States? If excessive amount demanded, effort will be made to have same condemned for public purposes.

E. A. HITCHCOCK, *Secretary.*

[Telegram.]

DULUTH, MINN., *March 16, 1900.*

E. A. HITCHCOCK,

Secretary Department Interior:

Yours, relative to California big trees, forwarded to Oakland, Cal., to-day, Robert Whiteside's present address.

W. ROBINSON,
(For Whiteside.)

[Telegram.]

OAKLAND, CAL., *March 16, 1900.*

Hon. E. A. HITCHCOCK,

Secretary of the Interior, Washington, D. C.:

Answering telegram of 16th, I have bought big trees property. Am ready to meet any representative of your Department who will, after consultation, agree on a fair

price per thousand for the timber thereupon, go over, inspect the property, and be prepared to make me an offer based on a fair value of the property. I desire an amicable adjustment, and will offer no objection thereto, but think the Government should have some definite detailed information concerning the property, its condition, and value; then we can proceed understandingly.

R. B. WHITESIDE.

DEPARTMENT OF THE INTERIOR,
Washington, March 23, 1900.

ROBERT B. WHITESIDE,
Oakland, Cal.:

Do you have perfect record title to lands in Calaveras and Tuolumne counties, Cal., known as the Mammoth Tree Grove and South Park Grove of Big Trees? State acreage of each, and whether you own adjacent lands requisite for their preservation, management, and control; if so, acreage of same. State definitely separate price at which you will agree to sell each, if owned by you, to United States under a ninety-day bond.

E. A. HITCHCOCK, *Secretary.*

[Telegram.]

OAKLAND, CAL., *March 24, 1900.*

E. A. HITCHCOCK,
Secretary of the Interior:

There is a good record title to the groves of big trees you mention. I have not offered this property for sale. These groves are a very small portion of a large tract recently acquired by me for milling purposes. The value of the groves is not in their acreage, which is about 2,500, but in the timber on the land, for which I will take a fair price per thousand, and when price is agreed on with you or representatives I will permit an examination and allow reasonable time thereafter to consummate negotiations.

ROBT. B. WHITESIDE.

DEAR MR. SECRETARY: The attached is a telegram received from Surveyor-General Gleaves, of San Francisco. Not having a special agent there at the time, I telegraphed General Gleaves. You will see that Whiteside has no title as yet, as the deeds are in escrow, evidently waiting until he shall make satisfactory terms with the Government. Sperry, the owner, resides at Berkeley, Cal.

Sincerely, yours,

BINGER HERMANN.

Hon. E. A. HITCHCOCK,
Secretary of the Interior.

[Telegram.]

SAN FRANCISCO, CAL., *March 27, 1900.*

BINGER HERMANN,
Commissioner Land Office, Washington, D. C.:

Deeds for 2,360 acres, carrying Calaveras and South Big Tree groves, from J. L. Sperry, of Berkeley, Cal., to R. B. Whiteside, of Duluth, Minn., for consideration of $100,000 cash, are in escrow Union National Bank, Oakland, Cal.

GLEAVES, *Surveyor-General.*

From this correspondence it will be seen (1) that an effort was made to obtain from Mr. Sperry a statement respecting the lands owned by him and his willingness to bond the same for purchase by the United States at an agreed price, and that he

finally replied that he had sold the property to Mr. Whiteside, to whom I was referred; (2) that an effort was made to obtain from Mr. Whiteside a statement respecting his interests in the lands and his willingness to bond the same for purchase by the United States at an agreed price, but that he declined to put a price upon the lands, and insisted that a rate per thousand feet for the timber thereon must first be agreed upon, in which event he would permit an examination of the lands and allow reasonable time to consummate the negotiations.

Mr. Whiteside's telegrams do not indicate a willingness to enter into negotiations respecting the sale of these lands to the United States upon any practicable plan, but show an inclination to stand upon his rights and to avoid coming to any definite statement or negotiation.

While the amount, character, and value of the timber upon these lands may properly constitute an element in fixing the value of the lands themselves, yet, considering that Mr. Whiteside has but recently purchased or agreed to purchase the lands, one is constrained to believe that, so far as these matters affect the question of value or price, they are already known to him, so that there is no reason why he can not give to them the consideration to which they are entitled, and state a price at which he is willing to sell. He does not need the assistance or investigation of any representative of this Department to enable him to state a selling price. Upon the other hand, I do not understand that the Government contemplates purchasing these lands with a view to a mercantile disposition of the timber which may be obtained therefrom, and this Department is now in possession of sufficient information respecting the lands, the timber thereon, and other matters pertaining thereto, to enable it to judge, in a general way, of the reasonableness of any price which Mr. Whiteside may place upon the lands.

It is pretty well understood that the price at which Mr. Whiteside has recently purchased or agreed to purchase the lands is $100,000. I am constrained to believe that if Mr. Whiteside were willing to sell the lands for their reasonable value or at a reasonable profit upon his recent purchase he would have no serious difficulty in stating a price, and for this reason it has seemed to me to be useless to pursue the negotiations further. If it is desired to obtain the title to these lands, and to perpetuate the mammoth trees and other natural curiosities thereon, it will have to be done through the means of the exercise of the power of eminent domain. Believing that the General Government should acquire these lands and make public parks thereof, I herewith transmit the following proposed bill, which, if it meets the approval of and is enacted by Congress, will assure the accomplishment of that purpose:

A BILL providing a means of acquiring title to two groves of *Sequoia gigantea* in the State of California, with a view to making national parks thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of establishing public parks or pleasure grounds for the benefit of enjoyment of the people, and for the further purpose of preserving the growth of mammoth trees known as *Sequoia gigantea* and other natural curiosities and wonders found upon the south half of section fifteen and the north half of section twenty-two, in township five north, range fifteen east, and of all sections twenty-nine, thirty, thirty-one, and thirty-two, in township five north, range sixteen east, Monte Diable meridian, in the State of California, the title to said lands may be acquired by the United States in the manner herein stated.

SEC. 2. Within sixty days after the passage of this act the Attorney-General shall cause a petition to be filed on behalf of the United States in the circuit court of the United States for the district in which said lands are situated, praying that all persons claiming any title to or interest in any of said lands be cited to appear before said court, within a time to be prescribed by the court, and establish such title or interest,

and that a just and equitable ascertainment be had of the compensation to be made by the United States to the several owners and persons interested in said lands if the same are taken by the United States for public purposes as herein contemplated. Such petition shall state the names of the owners and persons interested in said lands, so far as known, and they shall be notified of the pendency of said proceeding in like manner as are defendants in suits in equity commenced in that court affecting the title to real estate situate within its jurisdiction. Notice shall also be given by publication of the pendency of said proceeding in like manner as notice is given to nonresident defendants in such suits in equity. Said proceeding shall be conducted in such mode and under such rules as to the court shall seem best calculated to protect the interests of the United States and of all others concerned, whether named in said petition or not.

SEC. 3. When the respective interests in said lands shall have been ascertained the court shall, through three capable and disinterested commissioners acting under its direction and subject to its approval, ascertain the value of the respective interests of all persons interested in said lands, and shall declare the compensation to be made to each person if the lands are taken by the United States for public purposes as aforesaid. A copy of this ascertainment shall be promptly transmitted to the Secretary of the Interior, and if, in his judgment, the public purpose to be subserved justifies the payment of the compensation so ascertained, he shall, within ninety days after such ascertainment, notify the Treasurer of the United States thereof, who shall forthwith pay into said court the compensation so to be made by the United States to the several persons in interest, and thereupon a judgment shall be entered vesting in the United States the fee-simple title to all of said lands and forever barring any and all persons from asserting any adverse title or claim thereto. The moneys so paid into court shall be promptly paid out, in such manner as the court may direct, to the several persons entitled thereto. The costs of said court proceeding shall be paid by the United States.

SEC. 4. If the title to said lands shall be so acquired by the United States said parks shall be under the control and management of the Secretary of the Interior, and all laws of the United States pertaining to the Yellowstone National Park, so far as the same may be applicable, shall at once become extended to the parks so acquired and established.

I also transmit herewith copies of several communications relating to the proposed acquisition of these lands by the General Government.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR,
Washington, March 26, 1900.

SIR: I inclose herewith copy of a "Joint resolution, providing for the acquisition of certain lands in the State of California, approved March 8, 1900," and I desire that you will prepare and submit to me at the earliest practicable date such information as you may have in your Bureau concerning the area of the "Mammoth Tree Grove" and the "South Park Grove of Big Trees" located in Calaveras County, Cal. Also what information you may have of adjacent lands and what, in your judgment, should be the area that should be acquired by the Government to enable it to properly preserve, manage, and control said groves as contemplated by said joint resolution.

I also inclose herewith for your information copy of the Senate report and accompanying Senate resolution No. 90, which purports to give the area of said groves and the area necessary to preserve, manage, and control the same.

Please return copy of report and joint resolution herewith inclosed with your reply hereto.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

The DIRECTOR OF THE GEOLOGICAL SURVEY.

UNITED STATES GEOLOGICAL SURVEY,
Washington, March 28, 1900.

SIR: I return herewith joint resolution No. 10 and Senate Report No. 533, regarding a proposition to bond, with a view to purchasing, certain areas in the Sierra Nevada of California, containing groves of big trees (*Sequoia gigantea*), with my hearty approval. I inclose a memorandum concerning these groves, the facts of which were furnished by Mr. George B. Sudworth, who, as a forest expert of this office, made a thorough examination of this region during the past summer.

I send herewith also a copy of the big-tree sheet of this office, upon which is marked in green the location and approximate extent of the big-tree groves in question.

I am yours, with respect,

CHAS. D. WALCOTT, *Director.*

Hon. E. A. HITCHCOCK,
Secretary of the Interior.

Memorandum concerning the Calaveras grove of big trees.

There are two great groves included under the name "Calaveras Grove." The smaller is located at Big Trees post-office, in the eastern edge of Calaveras County, and comprises 50 acres of slightly rolling land covered with a virgin forest. It contains about 100 of the big trees. Ten are not less than 30 feet in diameter; 70 are from 15 to 32 feet in diameter. The height commonly ranges from 250 to 300 feet.

The south grove is about 5 miles southeast of Big Trees post-office. Its surface is rolling, broken by several small ravines. This grove covers about 1,000 acres and contains 1,380 big trees. Their average diameter is 15 feet; height, 250 feet. The largest trees are from 25 to 34 feet in diameter, and range from 300 to 380 feet in height. This also is practically a virgin forest.

The north grove has been protected from the beginning of white settlement, and fire has been almost entirely excluded. A few of the trees bear fire marks on their trunks, but the damage is trifling. There is a dense undergrowth of shrubs and herbaceous plants, and the humus and soil are commonly moist, even in the driest months. In this grove are a few dead and fallen trees, which have lain upon the ground for generations.

The south grove is in much the same condition, having been protected to a similar extent, excepting that it has been grazed by cattle, and as a consequence there is less underbrush.

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., March 31, 1900.

SIR: Regarding joint resolution No. 10, concerning which I sent you a memorandum March 28, I beg to make a supplemental report as follows: The two groves of

Sequoia gigantea, commonly known as the Calaveras Grove, are located as follows: The north grove is in the south half of section 15 and the north half of section 22, township 5 north, 15 east, Monte Diablo meridian; the south grove is contained in sections 29, 31, and 32, township 5 north, 16 east, Monte Diablo meridian. Their location is shown in the accompanying diagrams and upon the Big Trees atlas sheet of this Survey, herewith inclosed.

I beg to recommend that the following tracts of land be secured for the perpetuation of these groves, viz, the south half of section 15 and the north half of section 22, in township 5 north, 15 east, Monte Diablo meridian; and sections 29, 30, 31, and 32, in township 5 north, 16 east, Monte Diablo meridian.

The total area of land thus secured will be 5 sections, or approximately 3,200 acres.

Yours, with respect,

CHAS. D. WALCOTT, *Director.*

Hon. E. A. HITCHCOCK,
Secretary of the Interior.

STANFORD UNIVERSITY, CAL., *January 23, 1900.*

DEAR SIR: I have been very deeply interested in the question of the forest reserves, and as a director of the Sierra Club of California, an organization devoted to the study and preservation of the resources of the high Sierras, have been made chairman of the club's committee on legislation.

I learned the other day that the Calaveras grove of big trees was about to be sold to a lumberman. I have felt that the destruction of this noble forest would be a national calamity, because it is the first forest of the *Sequoia gigantea* made known to us, and it is in most respects the finest and most picturesque of them all. In fact, it is probably the finest of the great forests of the world, everything considered. Besides the Sequoias, there are magnificent sugar and yellow pines, as well as the California cedar.

It seems to me vitally important to the people of the United States that this great forest should not meet with destruction, such as has already overtaken the splendid Sequoia grove in the Converse Basin of the Kings River region. Accordingly I asked Prof. William R. Dudley, of our chair of forestry, who is also a director of the Sierra Club, to secure for me detailed information as to the status at the present time of the Calaveras Grove. I send you herewith a copy of the letter which he has prepared, together with certain documents bearing on this same question.

I am told on good authority that there are about 2,320 acres in the Calaveras Grove, which Mr. Sperry has sold to Mr. Whiteside. The price paid by Mr. Whiteside is about $100,000. Mr. Whiteside is not a lumberman himself, and probably intends holding the grove as an investment.

Mr. Sperry has held the grove as long as he could, in the hope that the United States Government would purchase it or would condemn it as a forest reserve. But growing age and failing health have made it necessary for him to dispose of it.

I take this occasion to lay these facts before you, and I am sure that with the information at hand you will be in a position to do what lies in the power of the United States authorities. Nothing in the way of forest preservation can be more important than the making of the Calaveras Grove a public park, as has already been done with the Mariposa Grove and the groves in Tulare County.

Very truly, yours,

DAVID S. JORDAN,
President Stanford University.

The SECRETARY OF THE INTERIOR,
Washington, D. C.

President DAVID STARR JORDAN.

MY DEAR MR. JORDAN: I regretted very much that your lecture in Oakland obliged you to be absent from the directors' meeting of the Sierra Club, called to consider the question of the rumored sale of the Calaveras big trees, the most famous of all the groves of these world-famous trees.

Mr. J. L. Sperry, owner of these trees, was present by request at our meeting, and it was through him that I learned, with the keenest regret, that he has already disposed of his tract, at least by bond.

It appears that a Mr. R. B. Whiteside, of Duluth, Minn., a reputed capitalist, but not lumberman, approached Mr. Sperry, offered to give him the price he asked for his entire tract of forest surrounding and including the two Calaveras groves, amounting in all to 2,320 acres. He paid Mr. Sperry a minor sum, $1,000, down to bind the bargain, and has an option of three months, terminating April 1, 1900, on the purchase wherewithin to complete his investigation of the standing timber and ascertain if the value of the same warrants the completion of the bargain and the payment of the price.

Altogether he has purchased in that vicinity 8,000 acres. The timber measurers are now at work, I believe. This was a worse state of things than I supposed. I had supposed we still had a chance to compete with the speculators, through our appeal to the public and to Congress for their purchase.

The directors believed that they could not take any decisive step, but must wait, at least until the matter was further canvassed; and so adjourned.

You yourself have suggested that the United States Government has a right to step in and take land at a fair valuation if it is deemed best for the public good; and, as chairman of the Sierra Club's committee on emergencies and legislation, you are the one to lay this matter before our higher State and Government officials, if anyone.

I append certain facts which may be useful for you, if you decide to act, although many of the facts you have once known, I am sure.

The "Mammoth Grove" (near the Sperry Hotel) of the Calaveras big trees is not a large grove—containing only about 100 trees—but is distinctly the most important historically of all the Sequoias existing.

With these few trees is interwoven most of the literature the world cares for relating to the discovery, the naming of the species, and the observations of the world's most eminent men of science.

These trees were the first of the species seen by the white race (in the spring of 1852). They remained for a number of years the only ones known.

From this grove specimens were sent to the eminent botanist, John Torrey, to be named, but were unfortunately lost on the way, and therefore the opportunity of naming the most remarkable species of tree in the world passed to the English, for at somewhat later date, through an English collector, specimens from here reached John Lindley in England, and he gave the name of *Wellingtonia gigantea* to the species, in honor of England's great military hero. You know that Decaise (and all French, German, and American botanists since) decided the genus *Wellingtonia* not a tenable one scientifically, and reduced it to the already described genus *Sequoia*.

Seeds from the trees were scattered all over Europe by the collectors, and nearly all the numerous flourishing older Sequoias (and there are many) in England, France, and Italy were grown from Calaveras seeds.

To my mind one of the reasons making it almost imperative for scientific men to use every effort to preserve this grove lies in the *table of careful measurements of many individuals of this grove (mentioning each tree by name) by Josiah Whitney, director of the California geological survey, nearly thirty years ago.* Already remeasurements would make interesting comparisons; and in fifty or one hundred years from the date of measurements comparisons with the original measurements would furnish invaluable data on the rate of growth of these giants. Few authentic measurements have

been made of any other big trees since—none until recent years. If the Calaveras big trees are to be reduced to lumber, firewood, and eventually ashes, it would simply mean the barbarous destruction of scientific data.

Probably few scientific men of eminence visiting the Pacific coast have failed to visit this grove, and indeed few have visited any other big trees, except of late years the Mariposa Grove. Asa Gray, John Torrey, Sir Joseph Hooker, and John Muir are a few of them only. Their published observations, with those of Whitney and his assistants, have become classic in scientific literature.

The people of California would like these groves and the surrounding forests preserved. The influential San Joaquin Valley Commercial Association has appointed a committee to report on the matter of the reported sale.

Indeed, public sentiment is now so favorable to usefulness of the forests to the State and to the water supply that I believe proper cooperation among the friends of these trees would arouse strong public opinion all over the United States in favor of the use by the Government of its right of eminent domain to secure the preservation of these trees.

It is said there lies between this tract of Mr. Sperry's (of 2,320 acres) and the great Sierra Forest Reservation a strip one township wide of forest under private ownership.

If the United States Government could secure a considerable tract beside the Calaveras groves (there is a larger grove of many hundred acres, you know, 6 miles from the smaller grove, both on Mr. Sperry's tract) and erect the whole into a national forest park it would be the safest disposition possible, probably.

I can scarcely explain how strongly this matter appeals to me as a botanist and as one interested in the broader lines of forest economy. I am more than ready to help you concerning it in any way.

Sincerely, yours, WILLIAM RUSSELL DUDLEY.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 16, 1900.

SIR: I am in receipt, by reference from the Department for report thereon, of a letter from Hon. David S. Jordan, president of the Stanford University, California, under date of January 23, 1900, transmitting a copy of a letter from Prof. William R. Dudley, filling the chair of forestry in that institution, urging the importance of the Government securing title to the two tracts of land in Calaveras and Tuolumne counties, Cal., containing the groves of *Sequoia gigantea*, known as "The Mammoth Tree Grove" and "The South Park Grove of Big Trees," and setting the same apart, with such additional lands as may be necessary, as a national park.

Professor Dudley states:

"I believe proper cooperation among the friends of these trees would arouse strong public opinion all over the United States in favor of the use by the Government of its right of eminent domain to secure the preservation of these trees."

President Jordan expresses the opinion that—

"Nothing in the way of forest preservation can be more important than the making of the Calaveras Grove a public park, as has already been done with Mariposa Grove and the groves in Tulare County."

I am also in receipt, by reference from the Department, under date of March 7, 1900, for report thereon, of a letter from H. P. Wood, secretary of the San Diego Chamber of Commerce, California, transmitting a copy of a resolution adopted by that body, protesting against the destruction of the "Calaveras Grove of *Sequoia gigantea*," and requesting the Government "to purchase and set aside this grove as a national park."

In regard to this matter I have the honor to invite attention to a joint resolution (S. R. 90) which was introduced in the Senate by Hon. George C. Perkins February 19, 1900, "providing for the acquisition of certain lands in the State of California." The Senate Committee on Public Lands reported favorably thereon, with a slight amendment (see Senate Report No. 533). In doing so, mention was made of the fact that a joint resolution of a similar character had been introduced in the House and recently passed that body, the House report thereon showing the facts in the case to be as follows:

"The Committee on the Public Lands, having had under consideration the resolution (H. J. Res. 170) providing for negotiating for or bonding of certain groves of *Sequoia gigantea*, or big trees, in Calaveras and Tuolumne counties, Cal., beg leave to respectfully report the same favorably, with an amendment, to wit:

"After the word 'trees,' in line 3, page 2, insert the words 'in Calaveras and Tuolumne counties, California.'

"And as so amended your committee recommend that the resolution do pass.

"The reasons supporting the adoption of this report and said recommendation are in part as follows:

"The 'Mammoth Tree Grove' and 'South Park Grove' of trees, *Sequoia gigantea*, located in Calaveras and Tuolumne counties, Cal., constitute the most easily accessible, most compact groves, and finest specimens of these trees in the world. These groves were the first discovered of these trees.

"The north Calaveras, a mammoth grove located at Bigtrees post-office, near the eastern border of Calaveras County, Cal., comprises 50 acres of virgin forest. It contains about 100 big trees. Ten are not less than 30 feet in diameter; 70 are from 15 to 32 feet in diameter. The common height is from 250 to 325 feet.

"The south Calaveras grove is located about 6 miles southeast of said post-office, near the west border of and within Tuolumne County. This grove covers about 1,000 acres, and contains 1,380 big trees. The average height is 250 feet, and diameter 15 feet. The largest range from 300 to 380 feet in height, and from 25 to 41 feet in diameter.

"These trees constitute the only living relics of prehistoric times, and are estimated to be, the oldest of them, 4,000 years of age. They have attracted the attention and presence of the scientific world, and are regarded thereby as the finest of modern natural wonders. They are of great interest and attractiveness to the tourists of the world.

"The area necessary for the holding and proper protection of these groves in one body is estimated at about 3,800 acres. They and this tract of land are held in private ownership, and are in immediate danger of sale and destruction for timber and lumber purposes. The movement for their acquisition, inaugurated by the warning given by the California Club, a San Francisco association of prominent and patriotic Pacific coast ladies, has given warning to the scientific, botanical, and wonder-admiring world of the impending menace, and aroused a uniform demand therefrom coming from every State for the acquisition by and ownership of these groves by the Federal Government.

"The resolution authorizes the Secretary of the Interior to negotiate for, and, if possible, bond these groves and report his proceedings to Congress for action.

"The committee unanimously recommend its passage."

House joint resolution 170 was approved by the President on the 8th instant.

I have the honor to report in regard to these two groves that the plats in this office show the location of the same to be as follows: "'Mammoth Tree Grove' in the SE. ¼ of sec. 15, and the N. ½ of sec. 22, T. 5 N., of R. 15 E., M. D. M. 'South Park Grove of Big Trees' in the SW. ¼ of sec. 28, S. ½ of sec. 29, NE. ¼ and N. ½ of SE. ¼ of sec. 31, and N. ½ SW. ¼ and N. ½ of sec. 32; all in T. 5 N., of R. 16 E., M. D. M.;" and that

title to all of the said lands has passed from the Government, the greater portion of same having been approved to the State.

I fully agree with the reported need for action on the part of the Government to preserve these trees from injury and destruction. And since such action can not be taken while title to the lands vests in private parties, I am of the opinion that the case appears to be one in which the Government would doubtless be justified in having recourse to the exercise of its right of eminent domain.

These groves are, undoubtedly, among the localities over which the Government should exercise authority in the interest of the general public, and the fact that the title thereto is now in private hands should prove no bar to such action. Such a course, in behalf of objects of unusual interest to science, is not an uncommon one, since in various European and oriental countries the governments exercise their various rights of eminent domain in the interest of preserving antiquities. The matter in this case seems clearly one calling for intervention on the part of the Government, and the fact that Professor Dudley reports that negotiations are now pending for an early transfer of title to these lands appears to render emergent the need for immediate and adequate action.

I return herewith the referred papers.

Very respectfully,

BINGER HERMANN,
Commissioner.

The SECRETARY OF THE INTERIOR.

SAN DIEGO CHAMBER OF COMMERCE,
San Diego, Cal., February 24, 1900.

SIR: I have the pleasure of handing you herewith attested copy of a resolution adopted by the board of directors of the San Diego Chamber of Commerce relative to the preservation of the grove of *Sequoia gigantea* trees in Calaveras County.

Commending this matter to your careful consideration, and with assurances of our greatest respect, I have the honor to subscribe myself, sir,

Your most obedient servant,

H. P. WOOD. *Secretary.*

The PRESIDENT, *Washington, D. C.*

SAN DIEGO CHAMBER OF COMMERCE,
San Diego, Cal.

[Resolution adopted at regular weekly meeting board of directors, February 23, 1900.]

PRESERVATION OF BIG TREES.

Whereas the Calaveras grove of *Sequoia gigantea*, including a tract of forest land covering about 2,300 acres, upon which are to be found some of the largest and probably some of the oldest trees in the world, is about to pass into the hands of a lumber merchant who, it is said, has secured an option of purchase on this tract of land; and

Whereas this grove, unparalleled in the size and magnificence of its trees, is one of the great natural attractions of the world: Be it

Resolved, That in view of these facts the San Diego Chamber of Commerce protests against the destruction of these trees, and respectfully requests our National Government to purchase and set aside this grove as a national park; and it urges upon all citizens, all organizations, and legislators, both State and national, to join in commending and furthering this course of action.

[SEAL.]

SAN DIEGO CHAMBER OF COMMERCE.
G. H. BALLOU, *President.*
H. P. WOOD, *Secretary.*

[Cutting from the Wave, San Francisco, Cal., March 10, 1900.]

THE CALAVERAS GROVE SAVED.

It is now certain that the Calaveras grove of giant sequoias will be saved to the State of California. On Saturday, March 3, the House of Representatives unanimously passed the De Vries resolution, which orders that the Secretary of the Interior shall open negotiations for the purchase of the grove, and that, if possible, he shall bond the tract. The contention that the measure comes within the province of the State of California and not of the National Government seems to have carried little weight with the Congressmen who were persuaded by the strong lobbying of the California delegation. The measure comes up in the Senate sometime this week and has every chance of passing, so that by the time this issue is out the Calaveras grove will be saved, the National Government having done what California ought to have done long ago. The action means that an amicable attempt to purchase the groves will first be made. Robert Whiteside, of Duluth, Minn., is in the position of owner, he holding the option on the grove. If he refuses to sell, nothing further can be done under the provisions of the bill, but it is believed that he is disposed to be reasonable in the matter. If he declines, however, Congress will doubtless pass another measure condemning the tract and ordering the purchase. At any rate, the famous grove is saved.

[Newspaper clipping from San Francisco Chronicle of March 18, 1900.]

The owner of the Calaveras grove of big trees bought the land by the acre, and now condescends to offer it to the Government for a price based on the amount of lumber in the trees. This man hails from Duluth, and is therefore entitled to be accounted shrewd, but he will make a mistake if he tries to overreach Uncle Sam.

[House Report No. 1637, Fifty-sixth Congress, first session.]

DEPARTMENT OF THE INTERIOR,
Washington, May 7, 1900.

SIR: I transmit herewith a memorandum bearing upon the question of the authority of the United States to condemn for public park purposes the lands in the State of California upon which are found the mammoth trees known as *Sequoia gigantea.*

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

Hon. JOHN F. LACEY,
House of Representatives.

Memorandum bearing upon the authority of the United States to condemn lands within a State as proposed in the bill (H. R. 11105) providing a means of acquiring title to two groves of Sequoia gigantea in the State of California, with a view to making national parks thereof.

In Kohl et al. *v.* United States (91 U. S., 367, 371) the court said:

"The powers vested by the Constitution in the General Government demand for their exercise the acquisition of lands in all the States. These are needed for forts, armories, and arsenals, for navy-yards and light-houses, for custom-houses, post-offices, and court-houses, and for other public uses. If the right to acquire property for such uses may be made a barren right by the unwillingness of property holders to sell, or by the action of a State prohibiting a sale to the Federal Government, the constitutional grants of power may be rendered nugatory, and the Government is dependent for its practical existence upon the will of a State, or even upon that of a private citizen. This can not be."

In Shoemaker *v.* United States (147 U. S., 282, 297, 298), in passing upon the legislation providing for the establishment of Rock Creek Park in the District of Columbia, and the condemnation of the lands therein, the court said:

"It is said in Johnson's Cyclopædia that the Central Park of New York was the first place deliberately provided for the inhabitants of any city or town in the United States for exclusive use as a pleasure ground, for rest and exercise in the open air. However that may be, there is now scarcely a city of any considerable size in the entire country that does not have, or has not projected, such parks.

"The validity of the legislative acts erecting such parks, and providing for their cost, has been uniformly upheld. It will be sufficient to cite a few of the cases: Brooklyn Park Commissioners *v.* Armstrong (45 N. Y., 234); In re Commissioners of the Central Park (63 Barb., 282); Owners of Ground *v.* Mayor of Albany (15 Wend., 374); Holt *v.* Somerville (127 Mass., 408); Foster *v.* Boston Park Commissioners (131 Mass., 225; also 133 Mass., 321); St. Louis County Court *v.* Griswold (58 Mo., 175); Cook *v.* South Park Commissioners (61 Ill., 115); Kerr *v.* South Park Commissioners (117 U. S., 379). In these and many other cases it was, either directly or in effect, held that land taken in a city for public parks and squares, by authority of law, whether advantageous to the public for recreation, health, or business, is taken for a public use.

* * * * * * *

"A distinction, however, is attempted in behalf of the plaintiffs in error between the constitutional powers of a State and those of the United States, in respect to the exercise of the power of eminent domain, and this distinction is supposed to be found in a restriction of such power in the United States to purposes of political administration; that it must be limited in its exercise to such objects as fall within the delegated and expressed enumerated powers conferred by the Constitution upon the United States, such as are exemplified by the case of post-offices, custom-houses, court-houses, forts, dockyards, etc.

"We are not called upon by the duties of this investigation to consider whether the alleged restriction on the power of eminent domain in the General Government, when exercised within the territory of a State, does really exist, or the extent of such restriction, for we are here dealing with an exercise of the power within the District of Columbia, over whose territory the United States possess not merely the political authority that belongs to them as respects the States of the Union, but likewise the power 'to exercise exclusive legislation in all cases whatsoever over such District.'—(Constitution, Art. I, sec. 8, par. 17.)"

In United States *v.* Gettysburg Electric Railway Co. (160 U. S., 668, 680, 681, 683), in passing upon the legislation providing for preserving and monumenting the site of the battle of Gettysburg and condemning lands embraced therein, the court said:

"In examining an act of Congress it has been frequently said that every intendment is in favor of its constitutionality. Such act is presumed to be valid unless its invalidity is plain and apparent; no presumption of invalidity can be indulged in; it must be shown clearly and unmistakably. This rule has been stated and followed by this court from the foundation of the Government.

"Upon the question whether the proposed use of this land is a public one, we think there can be no well-founded doubt. And also, in our judgment, the Government has the constitutional power to condemn the land for the proposed use. It is, of course, not necessary that the power of condemnation for such purpose be expressly given by the Constitution. The right to condemn at all is not so given. It results from the powers that are given, and it is implied because of its necessity or because it is appropriate in exercising those powers. Congress has power to declare war and to create and equip armies and navies. It has the great power of taxation, to be exercised for the common defense and general welfare. Having such powers, it has other and implied ones as are necessary and appropriate for the purpose of carrying the powers expressly given into effect. Any act of Congress which plainly and directly tends to enhance the respect and love of the citizen for the institutions of his country and to quicken and strengthen his motives to defend them, and which is germane to and intimately connected with and appropriate to the exercise of some one or all of the powers granted by [to] Congress must be valid. This proposed use comes within such description.

* * * * * * *

"No narrow view of the character of this proposed use should be taken. Its national character and importance, we think, are plain. The power to condemn for this purpose need not be plainly and unmistakably deduced from any one of the particularly specified powers. Any number of these powers may be grouped together, and an inference from them all may be drawn that the power claimed has been conferred."

Congress has provided for the exercise of the power of eminent domain in establishing national cemeteries (act of February 22, 1867, 14 Stat., 399), and in preserving and monumenting the battlefield of Chickamauga (act of August 19, 1890, 26 Stat., 333), battlefield of Antietam (act of August 5, 1892, 27 Stat., 377), battlefield

of Shiloh (act of December 27, 1894, 28 Stat., 597), and battlefield of Gettysburg (act of March 3, 1893, 27 Stat., 599; act of August 18, 1894, 28 Stat., 405; joint resolution June 5, 1894, 28 Stat., 584; act of February 11, 1895, 28 Stat., 651).

None of the decisions cited and none of the Congressional precedents named cover a case identical with that under consideration; nor is there any decision which denies the power of Congress in a case parallel with that under consideration.

Congress has established and is maintaining national parks like those here proposed—witness the Yellowstone, the General Grant, the Yosemite, the Sequoia, the Mount Rainier, and the Arkansas Hot Springs. These are established and maintained by the National Government, at great expense, for the general good of the people of the nation. Is it within the power of the National Government to do this and yet not within its competency to do that which is necessary to make the power effective, viz, to acquire sites for such parks by condemnation where they can not be otherwise obtained?

Is it within the power of the National Government to establish and maintain a great executive department "the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants," and yet not within its competency to make this power effective by the condemnation, where necessary, of sites for agricultural experiment stations in the several States? Does not the power to establish and maintain such a department necessarily carry with it whatever is necessary to an efficient exercise of the power? Is not the preservation of the scientific data afforded by these remnants of prehistoric forests, which have attracted the attention of the world's most eminent men of science, but another exercise of the power under which the Agricultural Department is maintained.

California is under no obligation to preserve these trees for the benefit and instruction of the people of the United States, nor ought she to bear the burden of doing so.

Considering the great object to be accomplished, ought not the National Government, in the absence of judicial decisions to the contrary, to make an effort to preserve for the benefit and instruction of the people of the United States these natural wonders, leaving any question of power to the judicial tribunals. In Shoemaker *v.* United States, supra, Justice Shiras, speaking of city parks, says:

"In the memory of men now living a proposition to take private property without the consent of its owner for a public park, and to assess a proportionate part of the cost upon real estate benefited thereby, would have been regarded as a novel exercise of legislative power."

May not this growth in the conception of governmental powers extend to national parks?

The bill proposed by the Secretary of the Interior is in such form that if adopted any question of power will arise in the appropriate Federal court at the threshold. If the power is sustained, the parks can be established and the trees saved. If the power is denied, an important question will be settled. In either event something will be gained and nothing lost.

EXHIBIT D.

OPINION OF THE ATTORNEY-GENERAL.

DEPARTMENT OF JUSTICE,
Washington, D. C., October 12, 1900.

The SECRETARY OF THE INTERIOR.

SIR: Your letter of August 13 brings to my attention the act to establish a board of charities for the District of Columbia, approved June 6, 1900, and the question in view of its provisions as to the relationship of the Secretary of the Interior to certain institutions located in the District, namely, the Government Hospital for the Insane, the Columbia Institution for the Deaf and Dumb, the Freedmen's Hospital and Asylum, and the Washington Hospital for Foundlings. You inform me that it is necessary that the Secretary's duties in the premises be authoritatively determined, and cite the various laws and opinions of Attorneys-General affecting these institutions, and request my opinion "as to the duty of the Secretary of the Interior in respect to the management of these institutions and the extent of his authority to supervise and

control the affairs of each and the expenditure of the money appropriated for the support thereof."

I have the honor to say in response, in the first place, that the field of the inquiry is so broad and general that I can not regard the question in the form indicated as strictly a question of law which it is incumbent upon me to answer, nor, if not such a question, would it be proper for me to answer, however much inclined I might otherwise be to do so. The matter of your relations in general to these institution of the effect upon these relations of the recent establishment of a board of charities, of your duty in respect to the management of the institutions and the extent of your supervisory authority over them, appears to me to present elements of a hypothetical nature, because the definite problems which are, perhaps, to be anticipated may not, however, arise, and elements within the field of your own executive discretion regarding your duty which it is not appropriate for me to limit and define. (21 Op., 73; 22 id., 98.) Nevertheless, as various practical details of administration of these institutions are constantly coming before you for action, I think the situation may be viewed as presenting questions actually arising in the administration of your Department, and that these questions are susceptible of a legal aspect and expression. If they were judicial questions—questions for the courts rather than for executive decision—another reason would be manifest why they should not be answered (20 Op., 702; 21 id., 370; 22 id., 181); but this does not appear to me to be the case. I may, therefore, frame the questions which are included in your query as follows:

1. Are the four institutions named covered by the provisions of the act establishing a board of charities in the District of Columbia?

2. If so, how far has the relationship of the Secretary of the Interior to these institutions been modified?

If the board of charities act shall be found upon examination not to apply to one or more of these institutions, it appears to me that the prior state of the law and the opinions rendered under it and the long-continued practice of the Interior Department upon the subject have authoritatively determined your duties in respect to management and the extent of your authority to supervise and control in such case so far as any definite point of doubt heretofore arising has made it necessary for you to seek advice, and except in reference to the board of charities act you appear to suggest no new points of doubt and no other actual and practical question now before you for determination. While, on the other hand, if the conclusion shall be that some or all of these four institutions are included in the provisions of the board of charities act, then the inquiry needs only to point out to what extent and in what respect your previous relationship to the institutions has been affected without defining comprehensively your functions and duties with respect to them.

It must be admitted, I think, that the questions which I have undertaken to frame, as apparent on the face of your letter, although not expressed therein, are not strictly or wholly questions of law. The question, for instance, whether each or any of the institutions named is a charitable institution is a question, perhaps, of mixed fact and law. But both the questions framed have a distinct legal import and form, and are important to be answered, and I therefore waive the technical points in this case and dismiss any hesitation which I may have felt on that ground.

The act to establish a board of charities for the District of Columbia, approved June 6, 1900 (31 Stat., 664), provides that the said board of charities—

"Shall visit, inspect, and maintain a general supervision over all institutions, societies, or associations of a charitable, eleemosynary, correctional, or reformatory character which are supported in whole or in part by appropriations of Congress made for the care or treatment of the residents of the District of Columbia; and no payment shall be made to any such charitable, eleemosynary, correctional, or reformatory institution for any resident of the District of Columbia who is not received and maintained therein pursuant to the rules established by such board of charities,

except in the case of persons committed by the courts, or abandoned infants needing immediate care. * * * The officers in charge of all institutions subject to the supervision of the board of charities shall furnish said board, on request, such information and statistics as may be desired; and to secure accuracy, uniformity, and completeness of such statistics, the board may prescribe such forms of report and registration as may be deemed to be essential. * * * The Commissioners of the District of Columbia may at any time order an investigation by the board, or a committee of its members, of the management of any penal, charitable, or reformatory institution in the District of Columbia; and said board, or any authorized committee of its members, when making such investigation, shall have power to send for persons and papers and to administer oaths and affirmations; and the report of such investigation with the testimony shall be made to the Commissioners. * * * The said board shall make an annual report to Congress through the Commissioners of the District of Columbia, giving a full and complete account of all matters placed under the supervision of the board, all expenses in detail, and all officers and agents employed, with a report of the secretary, showing the actual condition of all institutions and agencies under the supervision of the board, the character and economy of administration thereof, and the amount and sources of their public and private income. The said report shall also include recommendations for the economical and efficient administration of the charities and reformatories of the District of Columbia. The said board shall prepare and include with its annual report such estimates of future appropriations as will in the judgment of a majority of its members best promote the effective, harmonious, and economical management of the affairs under its supervision, and such estimates submitted shall be included in the regular annual book of estimates. * * * All acts and parts of acts in conflict with the provisions of this act are hereby repealed."

The first point to be investigated is whether the four institutions named in your letter are subject to the supervision of the board of charities. The general supervision which they are to maintain embraces all charitable, eleemosynary, correctional, or reformatory institutions.

It needs no argument to show that no one of these four institutions is of a correctional, reformatory, or penal character. Are they charitable or eleemosynary institutions? The definitions of these terms in the modern dictionaries (the Century and the Standard) bring out the beneficent purpose and the voluntary bounty bestowed. In the special signification which is before us, the Century defines *charitable* as "pertaining to almsgiving or relief of the poor; springing from charity, or intended for charity; as a charitable enterprise; a charitable institution;" and to the same effect is the standard. And the Standard defines *eleemosynary* thus:

* * * "Existing for the relief of the poor; charitable; gratuitous; as eleemosynary institutions."

And the Century:

"1. Derived from or provided by charity; charitable; as an eleemosynary fund; an eleemosynary hospital.

"2. Relating to charitable donations; intended for the distribution of alms, or for the use and management of donations and bequests, whether for the subsistence of the poor *or for the conferring of any gratuitous benefit.*"

And an eleemosynary corporation is "a private charity constituted for the perpetual distribution of the alms and bounty of the founder." (Kent, quoted in the Century Dictionary, *sub nomine* "corporation.")

So that, connected etymologically with words that denote pity and good will, and meaning originally in reference to individual or corporate donors the distribution of alms, the words as applied to modern institutions have come to signify such as aid the poor, confer benefits, and provide, from benevolent motives, care, remedial treatment, or other alleviation for those who are in need of these offices, as a matter of

gratuitous bounty altogether in some cases, and of bounty in part even where beneficiaries are not indigent. Indeed, in respect to the feature that only the corporation or institution with its complete equipment could realize the alleviatory scheme in its full extent, the benefit is a matter of bounty, in a measure, in all such cases.

Not to dwell further upon the tests in the matter, it seems to me clear that the Government Hospital for the Insane, the Freedmen's Hospital and Asylum, and the Washington Hospital for Foundlings are charitable or eleemosynary institutions by reason of the nature of the benefits which they confer and of the gratuitous character of those benefits, which, as shown by their titles and the laws cited in your letter, are extended to the utterly helpless, to the indigent, and to others who are properly the subject of the nation's bounty.

See in relation to the Government Hospital for the Insane, among other provisions, the act of March 3, 1858 (10 Stat., 682), establishing the institution, its object being the most humane care and enlightened curative treatment of the insane of the Army and Navy of the United States and of the District of Columbia; see also Title LIX, c. 4, Rev. Stat.; act of March 3, 1875, 18 Stat., 485.

See in reference to the Freedmen's Hospital and Asylum the act of March 3, 1865 (13 Stat., 507), establishing a bureau for the relief of freedmen and refugees; the act of March 2, 1867 (14 Stat., 485, 486), making appropriation for schools and asylums of the Freedmen's Bureau, from which legislation the Freedmen's Hospital and Asylum appears to have sprung; and the act of March 3, 1871 (16 Stat., 495, 506), making a distinct appropriation for the support of the present institution.

The act incorporating the Washington Hospital for Foundlings (April 22, 1870, 16 Stat., 92) shows its charitable character in section 5, which states the object to be the founding of a hospital for the reception and support of destitute and friendless children.

In reference to the Columbia Institution for the Instruction of the Deaf and Dumb, it appears from an examination of the laws respecting it and of its annual reports that its work is educational rather than gratuitously charitable; that the education imparted embraces the whole field of scholastic training, beginning with children in elementary and secondary instruction, embracing teaching in industries and instruction in speech and speech reading to overcome the special defects of the pupils, and going forward through graded courses up to college preparation, and then carrying them through the higher branches in the Gallaudet College until the right of graduation as bachelor of arts or of science has been regularly earned.

Although, perhaps, no accurate conclusion can be drawn from the classification of the laws in appropriation acts or elsewhere, because it seems that institutions are placed under the heading of charities or under other headings without much regard to exact distinction, it appears that this institution has not usually been classed with the charitable or eleemosynary institutions of the District, and that appropriations for its support have not (often or always) been made in connection with those for institutions of that class. Further, I learn from an authority on the subject that in the several States and Territories of the country there are now more than 100 schools for deaf mutes, which are instructing 10,000 pupils or upward, and that those schools are everywhere regarded as purely educational institutions, though in a few States they have been connected by law with boards of charities.

I also learn that at a recent convention of American instructors of the deaf, a resolution was adopted, calling attention to the confusion in the public mind as to the status of schools for the deaf and blind, and resolving that the members of the convention desire to put upon record their earnest hope, that in all future State legislation schools for the deaf and blind may be classified with the educational forces of the State, and that their misleading association with the penal, reformatory, and charitable institutions of the various Commonwealths may give way to such enlightened public opinion as will demand that the instruction of the deaf and blind shall form part of the school system of the State.

It is also to be observed that Congress very clearly recognized and emphasized the educational character of the Columbia Institution in the act approved April 8, 1864 (13 Stat.,45), by which it was enacted that the board of directors are empowered to grant and confirm such degrees in the liberal arts and sciences as are usually granted and conferred in colleges.

However, the existing state of the law and the facts upon which it appears to be based must be regarded as well as the expert opinions which consider that existing laws should be modified. The benefits of a hospital for surgical or medical treatment are not restricted to indigent or defective classes, and the fact that some patients pay in whole or part does not make it any the less a charitable institution. There, it is true, the idea of treatment is involved; but the sick as well as the poor, and not necessarily only the sick who are poor, have always been embraced in the benefits of charitable foundations and modern hospitals. There is no doubt a clear distinction between those on the one hand who, by reason of indigence or moral delinquency or mental deficiency, are the subjects of charity or reform because they belong to the pauper and defective classes, and those on the other hand who may not be indigent, but who, because of a purely physical defect, congenital or resulting from illness, require special instruction and training to develop normal faculties which otherwise would remain dormant. This instruction and training has so far taken the educational direction, and any advances in remedial treatment, still perhaps in the region of experiment, would doubtless be tributary to education. Nevertheless, while the distinctions between an institution for the deaf and dumb and a charity or reformatory are obvious and should be regarded in practical administration, it seems to me that the law respecting the Columbia Institution, which alone I am to regard, views the institution as charitable in part, and so far as to classify it justly for the purposes of the board of charities act under charitable and eleemosynary institutions.

In the first place, as was said by the Solicitor-General, in 22 Op., 1, 5, "the Government has substantially furnished the money to build and run it." The act of incorporation (11 Stat., 161), which shows that the primary purpose was the instruction of the deaf and dumb, and at that time of the blind as well, provides for such deaf and dumb in the District of Columbia as were of teachable age and in indigent circumstances, and for the reception of deaf and dumb from the several States and Territories on such terms as may be agreed upon with the authorities of the institution, and the act of May 29, 1858 (id., 293), extended the benefits of the institution to deaf and dumb children of persons in the military and naval service of the United States upon the same terms as such children belonging to the District of Columbia.

By the act of February 23, 1865 (13 Stat., 436), the teaching of the blind was no longer required, and provision made elsewhere for indigent blind children. In the appropriation act of March 2, 1867 (14 Stat., 457, 464), it was provided that a certain number of deaf-mutes residing in the several States and Territories, applying for admission to the collegiate department of the institution, shall be received on the same terms and conditions as those prescribed by law for the residents of the District of Columbia, at the discretion of the president of the institution, and this privilege was twice enlarged by later acts. Chapter 5, Title LIX, of the Revised Statutes, embodying the earlier law relative to the institution, shows, I think, both the educational purpose and the benevolent and charitable side of the scheme. The subsequent appropriation acts which you cite show that the Government in supporting the institution provides for books and illustrative apparatus, and that the expenses of instruction in the collegiate department are paid from the appropriations even when the pupils are not indigent, and that the board of trustees, with the approval of the Secretary of the Interior, are authorized to bear so much of the expense of the support of the deaf-mutes admitted from the several States and Territories, when indigent and while in the institution, as they may deem proper (e. g., act of March

3, 1883, 22 Stat., 603, 625; act of March 2, 1889, 25 Stat., 939, 961; act of August 30, 1890, 26 Stat., 371, 392).

It often happens, of course, that universities, colleges, and schools extend aid in various forms to poor and deserving students, and that the benefits of the great foundations are not altogether paid for in money by any students; but the distinctions in the case of an institution for the deaf and dumb are, I think, obvious, and have been herein indicated as to this institution, and I therefore conclude that the Columbia Institution for the Deaf and Dumb, as well as the others named, is a charitable institution within the meaning of those words as used in the recent board of charities act.

How far has your relationship to these four institutions been by that act modified?

I do not propose to construe the act in general, but I may point out what seem to me its salient provisions in the light of its purpose as drawn from the history of the administration of charities in the District. It is, I believe, commonly understood that the evil or defect in the charitable work of the District heretofore has been a lack of uniformity of supervision and of coordination or cooperation among the various agencies of control and direction. This act seems to be the last step in the efforts of Congress to remedy this defect. How far the new board of charities has been clothed with power to this end, and how far they will work out a perfected scheme, are matters for the future to determine. It is to be assumed, of course, that the various institutions affected, while still continuing to perform their functions through their own separate boards of direction heretofore duly authorized to manage and conduct their various operations, will desire and endeavor to cooperate with Congress and the board of charities in the efforts to work with the greatest possible effect and economy. The diverse supervision or control which already exists, being in some cases committed to the heads of departments and in others to the District Commissioners, is not necessarily disturbed or affected in material respects by this act. In brief, the act directs the board of charities to visit, inspect, and maintain a general supervision over the institutions described, forbids any payment to be made to such institutions for any resident of the District who is not received and maintained therein pursuant to the rules established by such board of charities, with certain exceptions, and directs such institutions subject to the supervision of the board of charities to furnish, on request, information and statistics in such form as the board may deem essential.

The District Commissioners may order an investigation by the board of the management of any such institution, and the board shall report to Congress annually an account of all matters placed under their supervision, including in their report their recommendations for the economical and efficient administration of charities and reformatories of the District, along with estimates for such future appropriations as will best promote these objects.

It is not necessary to speculate upon the many matters, irrelevant to your present inquiry, suggested by the act, as, for instance, the status of an institution in reference to payments for residents of the District before the board of charities shall have established rules, or as to the difference of the board's functions and powers when applied to institutions which do, or to institutions which do not, receive a definite payment per capita, or according to the service rendered in a given case, for each resident of the District of Columbia received and maintained; or as to the scope of the phrase "care or treatment" as further defining the institutions included. It is at least certain that the board is charged with the duty of visitation and of general supervision over all the institutions described, is clothed with a power of investigation in conjunction with the Commissioners of the District, and is directed to report the results of its work with its recommendations and estimates to Congress.

I am unable to discover how this situation interferes with or substantially affects your previous relations to the four institutions in question. My view is practically

the same as that of Mr. Olney, in his opinion upon the relation of the Secretary of the Interior to the Freedmen's Hospital and Asylum (20 Op., 652), and I may slightly paraphrase and apply his language to the present case, namely: With the exception that the board of charities is given the general supervision of these institutions, and, under the order of the District Commissioners, the power of investigation with the duty of submitting a report and recommendation to Congress, the powers and duties of the Secretary of the Interior are unchanged by the act of June 6, 1900, and remain the same as before its enactment.

I might properly close here, were it not for the fact that you suggest other recent laws affecting all these institutions, indicating, generally, transfers of supervision and control to other departments or to the District Commissioners as the possible effect of the acts cited.

As to the Government Hospital for the Insane, the act of March 3, 1881 (21 Stat., 458, 460), authorized the District Commissioners to visit and investigate the management of the institution and to receive a report of its receipts and expenditures, with the express proviso, however, that the supervision of the Secretary of the Interior should continue as theretofore. I think the proviso clearly indicates that your jurisdiction over the institution continues, and if it were necessary to add anything the principle of Mr. Olney's opinion just cited plainly covers the case.

As to the Columbia Institution for the Deaf and Dumb, its history and status were carefully reviewed in 21 Op., 349, and 22 Op., 1, in connection with an inquiry as to the applicability of section 3709, Revised Statutes, relative to advertisement for proposals for supplies, and by the latter opinion it was held that the institution is *in* the Department of the Interior in the sense that its transactions are under the supervision of the head of that Department, and that he has a certain jurisdiction and responsibility regarding it.

It is true that since that opinion was rendered, under the act of July 1, 1898 (30 Stat., 597, 624), the directors of the institution have control of the disbursement of all the appropriations by Congress for its benefit, the accounts for which shall be settled at the Treasury Department; nevertheless other provisions of existing law, such as section 441 of the Revised Statutes, and section 4868, requiring the president and directors to report annually to the Secretary of the Interior the condition of the institution, embracing many items of its operations besides its receipts and disbursements, lead me to say that the function of the Treasury in the premises appears to be confined to its usual and appropriate duty of adjusting and settling accounts, and that the enlargement of the control by the directors over the disbursement of appropriations is to be explained by the view of 20 Op., 652, to which I have before referred. And in the case of the Freedmen's Hospital and Asylum, no act seems to have been passed in the least changing the situation or affecting the exact application of Mr. Olney's opinion to that institution now as well as when the opinion was delivered in 1893.

As in the case of the Columbia Institution, the president and directors of the Washington Hospital for Foundlings are required by the law (16 Stat., 92) to report annually to the Secretary of the Interior the condition of the institution. Although annual appropriations for its support have uniformly been carried in the acts making appropriations for the expenses of the government of the District of Columbia, and although there may be, therefore, a certain relation, not very clearly defined, between the institution and the District government, I think that your supervision or jurisdiction over the institution, as past practice has determined its nature and extent, remains substantially unaffected, equally with the other institutions named, either by the legislation cited, which connects the District government with the institution, or by the act of June 6, 1900, creating a board of charities for the District of Columbia.

Very respectfully, JOHN W. GRIGGS, *Attorney-General.*

EXHIBIT E.

ANNUAL REPORT OF THE MARITIME CANAL COMPANY OF NICARAGUA.

THE MARITIME CANAL COMPANY OF NICARAGUA,
54 and 56 Broad Street, New York, December 3, 1900.

SIR: Pursuant to section 6 of the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, which provides that the said company shall make a report on the first Monday of December in each year to the Secretary of the Interior, and in accordance with instructions prescribing the form of such report, and the particulars to be given therein, the said Maritime Canal Company of Nicaragua reports as follows:

First. That the regular annual meeting of the company was held at No. 54 Broad street, in the city of New York, on the 3d day of May, 1900, pursuant to the provisions of the by-laws, and that at such meeting Messrs. Samuel E. Kilner, Aniceto G. Menocal, Richard C. Shannon, Edward Menocal, and Henry D. Pierce were duly elected directors of said company to fill the places made vacant by the class whose term of office expired on the 3d day of May, 1900, and to serve for the period of three years, as provided for in the said act of incorporation, and Otto T. Bannard was elected a director of said company to fill the place made vacant by the death of Charles P. Daly, of the class of 1901, and John R. Bartlett was elected a director of said company to fill the place made vacant by the resignation of Henry E. Howland, of the class of 1901.

Second. That the board of directors of said company thus constituted was composed of the following stockholders:

Class of 1901.—Horace L. Hotchkiss, Robert Sturgis, Augustus D. Shepard, Otto T. Bannard, and John R. Bartlett.

Class of 1902.—Hiram Hitchcock, James Roosevelt, Thomas B. Atkins, and Joseph Bryan.

Class of 1903.—Samuel E. Kilner, Aniceto G. Menocal, Richard C. Shannon, Edward Menocal, and Henry D. Pierce.

The above-named directors are citizens and residents of the United States.

Robert Sturgis has since died, leaving a vacancy in the class of 1901.

Third. That at the first meeting of the board of directors held after the said annual election the following officers were duly elected to serve for the ensuing year, to wit: President, Hiram Hitchcock; vice-president, James Roosevelt; secretary and treasurer, Thomas B. Atkins. All of the officers so elected are citizens and residents of the United States. That at said meeting the following directors were elected members of the executive committee, as provided for in the by-laws of said company, to wit: James Roosevelt, chairman; Hiram Hitchcock, Samuel E. Kilner, Otto T. Bannard, and Horace L. Hotchkiss.

Fourth. That since the organization of the Maritime Canal Company of Nicaragua 10,145 shares of the capital stock of said company have been subscribed for at par, amounting in the aggregate to the sum of $1,014,500, of which amount $1,008,830 has been paid into the treasury in cash; that there has been paid into the treasury from other sources $161,970.76, making the total amount of cash received $1,170,800.76.

Fifth. That since the organization of the company it has paid for property, work and labor done, and materials furnished in the execution of the work of construction of canal and in administration expenses the sum of $1,169,010.26 in cash; 31,990 shares of the full-paid capital stock of the company, of the par value of $3,199,000; $5,000,000 of its first-mortgage bonds, and its obligations for $1,855,000 of the said first-mortgage bonds. It has also issued 180,000 shares of its capital stock, of the par value of $18,000,000, in payment for concessionary rights, privileges, franchises, and

the same as that of Mr. Olney, in his opinion upon the relation of the Secretary of the Interior to the Freedmen's Hospital and Asylum (20 Op., 652), and I may slightly paraphrase and apply his language to the present case, namely: With the exception that the board of charities is given the general supervision of these institutions, and, under the order of the District Commissioners, the power of investigation with the duty of submitting a report and recommendation to Congress, the powers and duties of the Secretary of the Interior are unchanged by the act of June 6, 1900, and remain the same as before its enactment.

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As in the case of the Columbia Institution, the president and directors of the Washington Hospital for Foundlings are required by the law (16 Stat., 92) to report annually to the Secretary of the Interior the condition of the institution. Although annual appropriations for its support have uniformly been carried in the acts making appropriations for the expenses of the government of the District of Columbia, and although there may be, therefore, a certain relation, not very clearly defined, between the institution and the District government, I think that your supervision or jurisdiction over the institution, as past practice has determined its nature and extent, remains substantially unaffected, equally with the other institutions named, either by the legislation cited, which connects the District government with the institution, or by the act of June 6, 1900, creating a board of charities for the District of Columbia.

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First. That the regular annual meeting of the company was held at No. 54 Broad street, in the city of New York, on the 3d day of May, 1900, pursuant to the provisions of the by-laws, and that at such meeting Messrs. Samuel E. Kilner, Aniceto G. Menocal, Richard C. Shannon, Edward Menocal, and Henry D. Pierce were duly elected directors of said company to fill the places made vacant by the class whose term of office expired on the 3d day of May, 1900, and to serve for the period of three years, as provided for in the said act of incorporation, and Otto T. Bannard was elected a director of said company to fill the place made vacant by the death of Charles P. Daly, of the class of 1901, and John R. Bartlett was elected a director of said company to fill the place made vacant by the resignation of Henry E. Howland, of the class of 1901.

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The above-named directors are citizens and residents of the United States.

Robert Sturgis has since died, leaving a vacancy in the class of 1901.

Third. That at the first meeting of the board of directors held after the said annual election the following officers were duly elected to serve for the ensuing year, to wit: President, Hiram Hitchcock; vice-president, James Roosevelt; secretary and treasurer, Thomas B. Atkins. All of the officers so elected are citizens and residents of the United States. That at said meeting the following directors were elected members of the executive committee, as provided for in the by-laws of said company, to wit: James Roosevelt, chairman; Hiram Hitchcock, Samuel E. Kilner, Otto T. Bannard, and Horace L. Hotchkiss.

Fourth. That since the organization of the Maritime Canal Company of Nicaragua 10,145 shares of the capital stock of said company have been subscribed for at par, amounting in the aggregate to the sum of $1,014,500, of which amount $1,008,830 has been paid into the treasury in cash; that there has been paid into the treasury from other sources $161,970.76, making the total amount of cash received $1,170,800.76.

Fifth. That since the organization of the company it has paid for property, work and labor done, and materials furnished in the execution of the work of construction of canal and in administration expenses the sum of $1,169,010.26 in cash; 31,990 shares of the full-paid capital stock of the company, of the par value of $3,199,000; $5,000,000 of its first-mortgage bonds, and its obligations for $1,855,000 of the said first-mortgage bonds. It has also issued 180,000 shares of its capital stock, of the par value of $18,000,000, in payment for concessionary rights, privileges, franchises, and

other property. Two hundred and twenty-five thousand dollars of the amount first named was represented by a claim against the Nicaragua Canal Construction Company for cash advances made on account of purchase of equipment, and in liquidation of which claim the Maritime Canal Company has received and now holds in its treasury obligations representing $518,500 of its first-mortgage bonds, in addition to 2,420 shares of its capital stock, which were transferred and delivered to Thomas B. Atkins, trustee, in liquidation of said account, to be held by him as trustee for the benefit of the company.

Sixth. That the liabilities of the company consist of the amounts still due under the concessions granted to the company of the $1,855,000 of bonds before mentioned, the said bonds being due to the assignees of the Nicaragua Canal Construction Company for work and labor done and materials furnished in the execution of the work of constructing the interoceanic canal, and of cash liabilities outstanding unpaid to an amount not exceeding $200,000.

Seventh. That the assets of the company consist of its unused capital stock of the $518,500 first-mortgage bonds and the 2,420 shares of capital stock received in liquidation as aforesaid, the concessions, rights, privileges, and franchises which it now owns, and of the plant, equipments, materials, lands, buildings, structures, railways, steamboats, telephone and telegraph lines, dredges, locomotives, cars, machinery, stores, machine shops, supplies, and other property in Central America, including the lands situated between the lake and the Pacific, purchased from the Government of Nicaragua for the route of the canal, in accordance with the provisions of the Nicaraguan concession.

Work on the canal has not been resumed for reasons given in our last annual report, from which we quote as follows:

"In 1895 (after the Maritime Canal Company had expended over $4,000,000), and again in 1897, and again in 1899 the Congress of the United States asserted its right to determine the line of the canal through Nicaragua and Costa Rica, under the concessions from those Governments to the Maritime Canal Company, by enacting laws authorizing surveys, and appropriating large sums of money for that purpoee; and these laws, and the operation of the commissions thus authorized, have been approved by the Governments of Nicaragua and Costa Rica.

"This action caused an uncertainty as to the final location of the route. This uncertainty, with other causes referred to in the last and former reports of the company (to which attention is called), has made it as yet impossible to resume the work of construction.

"The company placed its surveys, maps, buildings, etc., at the disposal of these commissions, and the present commission is now making use of the company's buildings and facilities in Nicaragua.

"At the close of the last annual report, reference was made to an agreement for another canal concession, that had been made by the Government of Nicaragua in violation of the rights and interests not only of this company, but of the United States and of Costa Rica."

On the 2d of December, 1898, this company protested to the honorable Secretary of State of the United States against this action of Nicaragua, and on the 8th of September, 1899, the company made a further protest to the honorable Secretary of State, containing a request for the assistance and intervention of the Government of the United States in the protection of the property and rights of the company.

We are now advised that the "agreement for another canal concession," referred to above, is canceled.

Article 55 of the concession of the Government of Nicaragua to the Maritime Canal Company provides that any misunderstanding that may arise between the State of Nicaragua and the company shall be submitted to a court of arbitrators. A misunderstanding having arisen as to the interpretation of articles 4, 5, 47, and 48, the com-

pany, through its general agent in Nicaragua, notified the Government of Nicaragua on the 5th of October, 1899, that it desired and elected to have the questions at issue determined by said board of arbitrators, and the Government of Nicaragua consented thereto.

The President of the United States in his annual message of December, 1899, said:

"The contract of the Maritime Canal Company of Nicaragua was declared forfeited by the Nicaraguan Government on the 10th of October, on the ground of nonfulfillment within the ten years' term stipulated in the contract. The Maritime Canal Company has lodged a protest against this action, alleging rights in the premises which appear worthy of consideration. This Government expects that Nicaragua will afford the protestants a full and fair hearing upon the merits of the case."

The company and Nicaragua appointed arbitrators. Nicaragua objected to the appointees of the company on the ground that they were not citizens of Nicaragua.

On the 28th of December, 1899, the Secretary of State of the United States advised the United States minister to Central America that the requirement of Nicaragua that the appointees of the company should be citizens of Nicaragua was not according to the contract, and instructed him to use his good offices in support of the demands of the company.

On the 1st of February, 1900, Nicaragua, ignoring the appointments made by the company, instituted proceedings in the local courts of that country to compel the company, through its agent, to appoint citizens of Nicaragua as arbitrators. The general agent of the company filed a protest with the United States consul at Managua against this action and appealed to him for protection. The judge of the second district court then declared the concession forfeited, and the company protested against this declaration, which protest was rejected by Nicaragua.

The Government of Nicaragua is understood to have declared the concession forfeited on the ground that the company had failed to appoint citizens of Nicaragua as arbitrators, and that because of such failure the arbitration had gone against the company by default. The Government of Nicaragua has seized property of the company near Greytown, against which act the representative of the company has protested to the United States consul at Greytown.

On the 23d day of October last the company protested to the State Department of the United States against these unjust acts of the Government of Nicaragua, and asked the assistance and intervention of the Government of the United States in the protection of its property and rights against these unjust acts of the Government of Nicaragua, a copy of which is hereto annexed, marked "Exhibit 1," and made a part of this report.

In order that the position of this company may at this time be fully understood in relation to the grave and international questions that have arisen, in which are involved the rights and property of hundreds of honorable and patriotic citizens of the United States, there is again annexed to this report the protest of the company to the Department of State, submitted December 2, 1898, marked "Exhibit 2," and also the further protest of September 8, 1899, marked "Exhibit 3."

Attention is respectfully called to all of these protests.

In witness whereof the Maritime Canal Company of Nicaragua has caused its corporate seal to be hereunto affixed and these presents to be signed by its president and secretary this 3d day of December, A. D. 1900.

[SEAL.] THE MARITIME CANAL COMPANY OF NICARAGUA.
HIRAM HITCHCOCK, *President.*
THOMAS B. ATKINS, *Secretary.*

Hon. E. A. HITCHCOCK,
Secretary of the Interior.

EXHIBIT 1.

OFFICE OF THE MARITIME CANAL COMPANY OF NICARAGUA,
54 Broad Street, New York.

The SECRETARY OF STATE OF THE UNITED STATES.

SIR: The Maritime Canal Company of Nicaragua, chartered by act of Congress, approved February 20, 1889, and owner of the exclusive privilege granted by the Republic of Nicaragua to A. G. Menocal on April 24, 1887, known as the Cardenas-Menocal concession, to excavate and operate a maritime canal across the territory of said Republic between the Atlantic and Pacific oceans, hereby renews and in all respects confirms the two protests dated December 2, 1898, and September 8, 1899, respectively, heretofore filed by the company in the Department of State, and hereby presents to the Government of the United States its further protest against the more recent arbitrary and unlawful acts of the Republic of Nicaragua affecting the property and vested rights of said Maritime Canal Company of Nicaragua. The wrongs done to the said company and the grounds for protesting against the same are as follows:

First.—In September, 1899, a copy of the protest of the Maritime Canal Company dated September 2, 1899, and hereinbefore referred to, was forwarded by the Department of State to the minister of the United States accredited to Nicaragua, with instructions to communicate the same to the Government of Nicaragua, with an expression of the hope and expectation of the Government of the United States that the Maritime Canal Company would be heard in defense of its claim.

Said protest contained, among other things, a demand that the questions raised, as therein set forth, in regard to the proper interpretation of the stipulations of articles 4, 5, and 48 of the Cardenas-Menocal concession of April 24, 1887, should be referred to and determined by the court of arbitration provided for in article 55 of said concession. On September 18, 1899, a protest was also lodged with the minister of fomento of Nicaragua by the Maritime Canal Company, through its general agent residing in Managua.

Second.—Article 55 of the said Cardenas-Menocal concession provides as follows:

"All misunderstandings that may arise between the State of Nicaragua and the company in regard to the interpretation of the present stipulations shall be submitted to a court of arbitrators composed of four members, *two of which shall be named by the State and two by the company.*

"*These arbitrators shall be designated by each of the parties within the period of four months from the day on which one of the contracting parties shall have informed the other in writing of the want of agreement on the point at issue.* Should one of the parties allow the aforesaid term to pass, it shall be considered as assenting to the opinion or claim of the other.

"The majority of the votes of the arbitrators shall decide finally and without recourse. In case of a tie vote the arbitrators shall select, by mutual consent, a fifth person who shall decide. If unable to agree to such nomination, they shall draw by lot the names of the diplomatic representatives accredited to Nicaragua and the first one drawn out shall exercise the functions of the fifth arbitrator; he shall either adopt the opinion of one or the other of the parties to the controversy, or render his opinion between these extremes, and his decision shall be final and without any appeal whatever; the fifth arbitrator failing, the second person drawn shall exercise these functions, and so on successively until a decision is reached.

"Prior to the initiation of the works of opening the canal, the *Government shall formulate with the concurrence of the company* regulations in which shall be prescribed rules to be observed by the arbitrators in all matters relating to procedure.

"Questions between the company and individuals residing in Nicaragua shall be under the jurisdiction of the ordinary tribunals of Nicaragua, in conformity with the

legislation of the country. In matters pertaining to nonresidents of Nicaragua the rules of international private law will be observed."

Third.—A misunderstanding having arisen between the State of Nicaragua and the Maritime Canal Company in regard to the interpretation of the stipulations of the concession contained in articles 4, 5, and 48 thereof, the company, in compliance with the provisions of said article 55, informed the Government of Nicaragua in writing on October 7, 1899, of the want of agreement on the point at issue by delivering to the minister of fomento on said date, by its general agent in Managua, the following written notification:

MANAGUA, NICARAGUA, *October 5, 1899.*

Hon. LEOPOLDO RAMIREZ M.,

Minister of Fomento, Managua, Nicaragua.

SIR: The contract entered into between the Government of Nicaragua and Messrs. Edward Eyre and Edward F. Cragin on October 31, 1898, contains a promise to grant to the Interoceanic Canal Company, a corporation to be formed as therein provided, the exclusive right in perpetuity for the construction of an interoceanic canal, after a recission of the Cardenas-Menocal concession shall be obtained or after it shall cease to have legal existence. Article 41 of the said Eyre-Cragin contract provides that the Cardenas-Menocal concession shall cease to have legal existence on the 9th day of October, 1899, and that all the stipulations in said Eyre-Cragin contract specified shall take effect without necessity of further action, declaration, or law on the 10th day of October, 1899.

It appears from the above that the Government of Nicaragua is of the opinion that by virtue of the provisions of article 48 of the Cardenas-Menocal concession it has the right to declare said contract terminated at the expiration of the term of ten years therein specified, whereas the Maritime Canal Company of Nicaragua, owner of the said concession, claims and insists that in consideration of the capital the company has invested in the enterprise, and of the good will and ability it has shown, and the difficulties encountered, it is entitled under said article 48 to an extension of the said period of ten years within which the work of construction was to be completed. The company further claims that in view of article 4 of the Cardenas-Menocal concession, which provides that the exclusive privilege therein granted shall be for the duration of ninety-nine years, and article 5, by which Nicaragua binds itself not to make any subsequent concession for the opening of a canal between the two oceans during the term of said Cardenas-Menocal concession, the Republic of Nicaragua had no right or authority to grant to Messrs. Eyre and Cragin the agreement of October 31, 1898, and that, as against the Maritime Canal Company of Nicaragua, said agreement can be of no force and effect.

It is evident, therefore, that a misunderstanding has arisen between the State of Nicaragua and the company in regard to the interpretation of the stipulations contained in articles 4, 5, and 48 of said Cardenas-Menocal concession, and the Maritime Canal Company of Nicaragua therefore demands that the said misunderstanding shall be submitted to a court of arbitrators to be appointed as provided for in article 55 of said concession.

It therefore becomes my duty to notify the Government of Nicaragua of the want of agreement existing between the Republic and the company as to the above questions, and that the company elects to have the issues thus raised submitted to and determined by the court of arbitration provided for in article 55.

I have the honor to remain, sir, yours, very respectfully,

RUDOLF WIESER,

General Agent Maritime Canal Company of Nicaragua.

The above notice in writing having been served as aforesaid, the Maritime Canal Company thereupon designated Hon. William L. Merry and Mr. Rudolf Wieser as the two arbitrators to be appointed by the company, and on October 13, 1899, the

President of Nicaragua and the minister of fomento were duly notified of such designation and appointment.

Fourth.—On the 4th of November, 1899, the minister of fomento sent a written reply to the company's notification of October 5, 1899, in which he stated, among other things, that the Government of Nicaragua, for reasons which it did not choose to mention, did not admit the right of the Maritime Canal Company to an extension of the concession, as claimed by the company, and did not consider it a point for arbitration, but that the Government, being certain of the justice of its position, consented to name its arbitrators and would communicate to the company at a later date the names of the persons designated for that purpose. The minister also stated in this communication that the Government of Nicaragua refused to accept as arbitrators the persons named by the company, on the ground that they were not citizens of Nicaragua, and on the further ground that Mr. Wieser was the representative of the company, and that Mr. Merry was ineligible, as he was one of the diplomatic representatives who might be drawn under article 55 as the fifth arbitrator. The Government therefore notified the company that it must designate two other persons.

In reply to this communication, the general agent of the company notified the minister of fomento on November 6, 1899, in writing, that under article 55 of the concession neither the Government of Nicaragua nor the company is restricted in the selection f arbitrators, and that each has unlimited right to appoint as such arbitrators whoever it may choose, without regard to their nationality. About the same time the State Department at Washington was notified of the refusal of the Government of Nicaragua to accept the arbitrators named by the company, and of the grounds upon which such refusal was based.

The President of the United States, in his message to the Fifty-sixth Congress, made the following reference to the Cardenas-Menocal concession:

"The contract of the Maritime Canal Company of Nicaragua was declared forfeited by the Nicaraguan Government on the 10th of October, on the ground of nonfulfillment within the ten years' term stipulated in the contract. The Maritime Canal Company has lodged a protest against this action, alleging rights in the premises which appear worthy of consideration. This Government expects that Nicaragua will afford the protestants a full and fair hearing *upon the merits of the case.*"

On November 29, 1899, the United States minister accredited to Nicaragua wrote to the president of the company, stating, among other things, as follows:

"There is not even a pretense of a right to demand an exclusively Nicaraguan board; it is a requirement unfair and without precedent."

Fifth.—Thereafter, and on or about the 28th day of December, 1899, the Secretary of State of the United States sent to the United States minister accredited to Nicaragua the following letter of instructions, a copy of which was at the same time forwarded to the president of the company for his information:

[Copy No. 296.]

DEPARTMENT OF STATE,
Washington, December 28, 1899.

WILLIAM L. MERRY, esq., etc.,
San Jose, Costa Rica.

SIR: I have to acknowledge the receipt of your dispatch No. 349 of the 29th ultimo, inclosing a copy of a note to you from the Nicaraguan minister for foreign affairs, in which he admits the right of the Maritime Canal Company of Nicaragua to demand the arbitration of the differences between his Government and the company, but imposes the condition that all four of the arbitrators provided for by article 55 of the concession must be Nicaraguan citizens.

Article 55 of the concession of the Nicaraguan Government to the Maritime Canal Company stipulates as follows:

'Any misunderstanding that may arise between the State of Nicaragua and the company in regard to the interpretation of the present stipulations shall be sub-

mitted to a court of arbitrators composed of four members, two of whom shall be appointed by the State and two by the company."

On the facts represented to the Department it appears to the Government of the United States that the Maritime Canal Company is clearly entitled to demand the submission to arbitration of the question of its rights and the alleged forfeiture thereof, involving the interpretation of the various articles of the concession in dispute. It seems equally clear that in the selection of the arbitrators the company has the right to choose freely two of the arbitrators and the Nicaraguan Government has an equal right to select two of them, and that neither party to the concession has or can have any right to impose any restrictions or conditions upon the selection to be made by the other; and that the refusal of the Nicaraguan Government to make the submission except upon its own terms and conditions in the selection of the arbitrators would be a manifest breach of the contract.

You will therefore use your good offices in support of the demand of the company for arbitration, and of its claim of right freely to select two of the arbitrators, regardless of the condition imposed by the Nicaraguan Government that the arbitrators must all be citizens of Nicaragua.

I am, sir, your obedient servant, JOHN HAY.

Sixth.—On the 23d of January, 1900, the following decree was issued by the President of Nicaragua and transmitted on the same date to the general agent of the company in Managua, viz:

The President of the Repubic, bearing in mind that the representative of the Maritime Canal Company, Mr. Rudolf Wieser, under date of October 5, a. p., informed the Government of the interpretation which it gives to articles 4, 5, and 48 of the Cardenas-Menocal contract and of its intention to ask for a prolongation.

Considering that this interpretation is unjust, as well as the solicitude for an extension, the Government disregards both, and in this case arbitration will have to be carried into effect and verified by the appointment of the proper persons as arbitrators within the term of four months, counting from the date of the note of advise of the said representative of the Maritime Canal Company;

In the use of his faculties,

Decrees: First. Appoint Messrs. Jose Dolores Rodriquez and Dr. Bruno H. Buitrago, arbitrators on part of the Government, to inquire and resolve, together with those legally appointed by the Maritime Canal Company or its representative, in regard to the interpretation and extension the said company claims.

Second. The attorney-general will take the necessary steps in conformity with the laws of the Republic.

Communicate. Managua, January 23, 1900.

ZELAYA.

The acting minister of public works.

BERMUDEZ.

Seventh. Thereafter and on January 31, 1900, the company withdrew the designation of the Hon. William L. Merry as one of the arbitrators appointed by the company and designated Messrs. Aniceto G. Menocal and Rudolf Wieser as the company's appointees. This change was communicated to the Government within the four month's period specified in article 55 by the following letter:

MANAGUA, NICARAGUA, *January 31, 1900.*

The Hon. Dr. LEOPOLDE RAMIREZ, M.,

Minister of Public Works, P.

SIR: I have the honor of notifying you that the Maritime Canal Company of Nicaragua has appointed Mr. Aniceto G. Menocal and myself as arbitrators, the former to replace the Hon. Mr. Merry.

As I have not received an acknowledgment of my letter to you dated November 6, 1899, I take the liberty of inclosing a copy of the same.

Further, permit me to remark that the refusal of the Nicaraguan Government to arbitrate except upon its own terms and conditions in the selection of the arbitrators would be a manifest breach of the contract.

Very respectfully, yours,

RUDOLF WIESER,
General Agent Maritime Canal Company of Nicaragua.

Eighth.—On February 1, 1900, notwithstanding the fact that the Maritime Canal Company had in all respects fully complied with the provisions of article 55 of the concession under which the Government of Nicaragua had agreed to arbitrate the questions at issue with the company, the said Government, in disregard and direct contravention of the terms of said article, instituted proceedings in the local courts of the Republic to compel the company to appoint citizens of Nicaragua as its arbitrators. The judge of the second district court called upon the general agent of the company in Managua with documents providing for a method of arbitration not consistent with the provisions of article 55, which documents he requested the said agent to sign. Upon the latter's refusal to execute these papers, the said judge cited him to appear before him in court within the period of three days. On the 3d day of February, 1900, being the last day of grace, the general agent of the company appeared before the said j ıdge, stated he was there under protest, and refused to recognize the validity of the proceedings or to sign the documents submitted to him, for the reason that they prescribed a method of arbitration inconsistent with the provisions of article 55 of the concession and in violation of the rights of the Maritime Canal Company under said concession. The general agent of the company immediately thereafter filed his protest with the United States consul at Managua against the unjust action of the Government of Nicaragua in summoning him before the said judge of the district court and appealed to said consul in his official capacity for protection for the Maritime Canal Company.

Ninth.—The company having declined to acquiesce in an arbitration to be conducted through the local courts in violation of the provisions of article 55, the judge of the second district court issued a decree declaring the concession forfeited on account of the alleged failure of the company to appoint arbitrators within the period of four months as provided for by article 55 of the concession, thereby completely ignoring and refusing to recognize the designation of Messrs. Aniceto G. Menocal and Rudolf Wieser duly made by the company on January 31, 1900, as hereinbefore stated. On February 26, 1900, the company filed its protest against this decree of forfeiture and against the unjust action of Nicaragua in taking the matter before the local tribunals, but said protest was rejected by the Government of Nicaragua.

The company is advised that this adverse action of the Government of Nicaragua was taken after the receipt, from its representative in Washington, of a dispatch stating that the United States Government, having given the subject of the proposed arbitration further attention and having obtained the opinion of the Attorney-General, had changed its mind as to the qualification of arbitrators and recognized the justice of Nicaragua's claim that all four arbitrators should be citizens of Nicaragua. In view of Secretary Hay's letter to Mr. Merry, of December 28, 1899, the company is satisfied that this statement of the Nicaraguan minister at Washington was entirely incorrect, as the records of the State Department will doubtless show.

Tenth.—The refusal of the Government of Nicaragua to accept the arbitrators designated by the Maritime Canal Company was based upon the Government's claim that the arbitrators referred to in article 55 are judges at law and not mere arbitrators, and that under Nicaraguan law judges must be citizens of the Republic. As the rules of procedure referred to in article 55 had not been formulated, the Government claimed the right to organize a tribunal of arbitration by judges under the jurisdic-

tion of the local courts and the general laws of Nicaragua, thereby ignoring and disregarding the provisions of article 55 of the concession, which clearly provide for a special court of arbitration to pass upon all differences which may arise between the contracting parties. Having refused to recognize the arbitrators appointed by the company, the Government proceeded to treat the case as though no appointments whatever had been made, and to declare that the question in dispute had been decided in favor of the Government, because of the failure of the company to appoint arbitrators within the four months' period provided for by article 55.

The minister of fomento, in his letter to Mr. Wieser, dated March 2, 1900, claims that the arbitrators referred to in article 55 of the concession must be deemed judged according to law, and that therefore it was proper that the ordinary judges of the Republic should organize the tribunal of arbitration with persons possessing all the qualities which judges are required by law to possess, one of which is that such judges must enjoy the full rights of citizenship. The minister also claims in his letter that the designation of arbitrators made by the company within the four months' period specified in article 55 was void and to be treated as if such appointment had never been made at all, for two reasons.

First, because the appointment should have been made before a judge; and, secondly, because the parties appointed were disqualified by reason of their relations to the company. The minister entirely ignored the fact that the original designation of arbitrators by the Government of Nicaraugua was made on January 23, 1900, by a decree of the President and not before a judge, and also that the arbitrators named by the company were no more disqualified by reason of their connection with the corporation than was Mr. Jose Dolores Rodriquez, who had represented the Government of Nicaraugua on several occasions in matters relating to the canal and who, on the 15th day of January, 1897, had addressed to the Hon. Richard Olney, Secretary of State of the United States at Washington, a communication attacking the integrity of the Maritime Canal Company and claiming in behalf of Nicaraugua that its rights had been forfeited. The minister of fomento closed his letter of March 2, 1900, by stating that the forfeiture of the concession took effect ipso jure, because arbitrators had not been appointed by the company in proper time and in proper form, and the company had therefore been considered as assenting to the claim of the Government.

It will be seen therefore that the Government frankly admits that it arbitrarily treated as null and void the appointment of arbitrators made by the company, and then caused a forfeiture of the concession to be declared in the local courts because of the company's alleged failure to designate arbitrators under the provisions of article 55.

The company submits that this arbitrary and unwarranted action on the part of the Government of Nicaragua was a manifest breach of the Cardenas-Menocal contract.

Eleventh.—The Government of Nicaragua having arbitrarily and unlawfully attempted to deprive the company of its vested rights in the Cardenas-Menocal concession, without affording the company the hearing on the merits provided for in article 55 and expected by the United States, proceeded without lawful authority to seize and confiscate the property of the corporation situated at Greytown, claiming to be entitled to the same under article 54 of the concession. On August 10, 1900, Messrs. Chamberlain and Jeffries, representing the Government of Nicaragua, and accompanied by 60 laborers, seized and took possession of the company's railroad, locomotives, and rolling stock, notwithstanding the protests of the watchman in charge of the property at Greytown, and proceeded to tear up the rails and remove them. On the 12th day of August, 1900, the governor of Greytown, acting under instructions from the Nicaraguan Government, went to La Fe, sealed all the buildings of the company with his official seal, and notified the watchman in charge that by orders of the Government he took possession of everything belonging to the corporation. A protest was promptly lodged with the United States consul at Greytown in the

case of the Maritime Canal Company against the action taken by the Government of Nicaragua and its representatives in seizing, taking, and removing the property at Greytown belonging to the company. The intention of the Government to seize and confiscate the property of the Maritime Canal Company was communicated to the agent of the canal company by the minister of public works in the following communication:

(Translation.)

AUGUST, 1900.

MR. AGENT OF THE MARITIME CANAL COMPANY, *Present.*

According to article 51 of the contract celebrated for the opening of an interoceanic canal with Mr. A. G. Menocal on the 24th of April, 1887, which concession was ceded to the company you represent, I herewith give you notice that said contract having been declared forfeited, the Republic of Nicaragua enters into possession in perpetuity of the existing materials belonging to the Maritime Canal Company which were used to initiate some work done on the canal at Ciudad America and the San Juan River as belonging to those comprised and classified in article 54. In consequence of this and in order to specify and class said existing materials so that it shall not be said later on that the Government has exceeded its authority or that other different statements shall be made, I wish that you personally or through a representative in the character of agent of the Maritime Canal Company of Nicaragua be present on the 20th of this month in the city of San Juan del Norte at the solemn act of making the inventory which shall be made by the governor and "Intendente" of said district jointly with other employés of the Government and before the consul or consuls of other nations which are established at that place in order to give greater publicity to this act.

Hoping you will acknowledge receipt of this communication, I am,

Your obedient servant,

RAMIREZ, *Minister of Public Works.*

The Government of Nicaragua is now engaged in tearing up the rails of the road which was constructed by the company at great cost and is unlawfully confiscating the same and removing them to the interior, where they are being used in the construction of Government railways. The Government is also in unlawful possession of the other property of the company at Greytown and has declared its intention of confiscating and removing all available material, rolling stock, tools, implements, and other property and of transferring the same to the interior. The company has protested and is still protesting against these arbitrary and unwarranted acts on the part of the Government of Nicaragua, but it has been refused protection by the Government of Nicaragua and its protests have been entirely ignored.

Twelfth. Article 55 of the Cardenas-Menocal Concession provides that before the initiation of the works of opening the canal the Government, with the concurrence of the company, shall formulate regulations in which shall be prescribed the rules by which the arbitrators are to be governed in all matters relating to procedure. This provision relates only to the preparation of rules under which the arbitrators are to proceed after they have been appointed. There is nothing in the concession providing that the arbitrators are to be appointed either as prescribed in these rules or under the jurisdiction of the local courts of Nicaragua. On the contrary, article 55 states the precise manner in which these arbitrators are to be appointed—two of them to be named by the State and two by the company—and the rules referred to are those prescribing a method of procedure to be followed by the arbitrators after their appointment. By article 55 the duty of preparing these rules is placed upon the Government of Nicaragua, which must take the initiative, but such rules can have no force or effect until they are approved and concurred in by the company. The fact that no rules have been adopted up to the present time is due to the failure of Nicaragua to formulate the regulations required by article 55, and the company can

in no way be prejudiced by this neglect of the Government. The local courts of Nicaragua have no jurisdiction whatever over the board of arbitrators provided for in article 55, except to see that their judgment is enforced, and the board's method of procedure is not restricted to that provided by the general laws of Nicaragua.

The said article 55 provides that all questions which may arise between the company and individuals residing in Nicaragua shall be determined by the ordinary tribunals of Nicaragua in accordance with the law of the country, and that as to questions arising between the company and nonresidents of Nicaragua the rules of private international law shall be observed. The exact manner of litigating disputes between the company on the one part and residents or nonresidents on the other is therefore expressly determined by the concession, which also provides, in express terms, the method of disposing of all questions which may arise between the Government and the company in reference to said concession. All misunderstandings between the two contracting parties in regard to the interpretation of the stipulations of the concession are to be submitted to a tribunal of arbitrators composed of four members, two of whom shall be named by the State and two by the company, and the decision of a majority of these arbitrators is to be final and without appeal. The only restrictions placed upon this court of arbitration are the rules as to procedure which are to be adopted by agreement between the company and the Government. This provision of the concession clearly creates a special court of arbitration for the determination of questions affecting the proper construction to be given to the articles of said concession, such court to consist of arbitrators to be appointed by both parties to the controversy and to be governed by rules of procedure to be agreed upon by both sides. Nicaragua in agreeing to this court of arbitration has waived any right she might have had to proceed against the company in the local courts of the Republic in matters covered by article 55, and the jurisdiction of these courts is limited to questions arising between the corporation and individuals residing within the boundaries of the Republic. The very object of creating this court of arbitration was to prevent any arbitrary action being taken against the company by the Government of Nicaragua through the medium of its partisan local tribunals.

As to the selection of arbitrators, it may be that either Nicaragua or the company would have the right, under a strict interpretation of article 55, to object to the nomination of any person who might be eligible as the fifth arbitrator, in case of a disagreement between the four named by both parties, and for this reason the company withdrew the original appointment of Mr. William L. Merry and designated in his stead Mr. A. G. Menocal. Except as to the possible limitation above referred to, the concession clearly gives the company the absolute right to select and appoint two of the four arbitrators without any restrictions whatever, and the contention of the Government of Nicaragua that the arbitrators named by the corporation must be citizens of that Republic is without the slightest foundation and can not be sustained. Such a construction of article 55 would defeat the very objects to accomplish which the court of arbitration was created. The controversy which has arisen under articles 4, 5, and 48 is one between the Government of Nicaragua and a foreign corporation created by the Congress of the United States. The right of the company to name United States citizens as its appointees is just as absolute under article 55 as is Nicaragua's right to name its own citizens as the appointees of that Republic, and, as already stated, this right is one which has been fully recognized by the Department of State of the United States.

Thirteenth.—The Government of Nicaragua has attempted to draw a distinction between "arbiter" (arbitro) and an "arbitrator" (arbitrador), claiming that the word "arbitro" used in article 55 of the concession means a "judge," according to law, and not an arbitrator, as claimed by the company. In Spanish dictionaries the word "arbitro" is defined as being an arbitrator or referee chosen by the parties to settle a difference; and an "arbitrador" is defined as an arbiter, umpire, or referee,

to whom any disputed matter is left for decision. There seems to be absolutely no difference in the meaning of these two words as used in law, and they are as synonymous in the Spanish language as they are in the English language. Both arbiters (arbitros) and arbitrators (arbitradors) are persons to whose judgment or decision matters in dispute are submitted by the consent of parties. They decide according to their best judgment on principles of equity, after a full hearing of the cases referred to them, and their powers in this respect are only limited by the provisions of the arbitration agreement under which the controversy is submitted. A "judge" (juez), on the other hand, is an officer lawfully appointed or elected, who acts under the government and who decides questions and disputes in a court of justice according to law. Citizenship may be a necessary qualification for a "judge" who is called upon to administer the laws of the republic, but it is not a necessary requirement in the case of an "arbiter" or "arbitrator" chosen by parties to determine the merits of a controversy.

Whatever may be the provisions of the statutes of Nicaragua in reference to the qualification of judges, the company has not been able to find nor have the officials of Nicaragua been able to point out any law providing in expressed terms that an arbiter (arbitro) must be a citizen of Nicaragua. That the Congress of Nicaragua did not use the word "arbitro" in the Cardenas-Menocal concession with any such limited meaning is proved by the provisions contained in article 55 for the selection of a fifth arbitrator. In case of a tie vote, the four arbitrators (arbitros) are to name by mutual consent a fifth arbitrator (arbitro), whose decision shall be final. If unable to agree to such nomination, they must draw by lot the names of the diplomatic representatives accredited to Nicaragua, and the person whose name is first drawn shall exercise the functions of the fifth arbitrator (las funciones de quinto arbitro). As none of the diplomatic representatives accredited to Nicaragua are likely to be citizens of that Republic, it is quite clear that it was never intended by the Congress of Nicaragua to require that the court of arbitrators should be composed exclusively of Nicaraguan citizens. The Cardenas-Menocal concession was an act of the legislative and executive branches of the Government, and its provisions creating a court of arbitration are legally binding upon the Republic as well as upon the company.

Fourteenth.—The Maritime Canal Company of Nicaragua duly notified the Government of Nicaragua of its intention to arbitrate the questions which have arisen in reference to articles 4, 5, and 48 of the concession, and the Government of Nicaragua agreed to submit the matter to the court of arbitration provided for in article 55. The company duly appointed Messrs. Rudolf Wieser and A. G. Menocal as its arbitrators, and the Government selected Messrs. J. D. Rodriguez and Bruno H. Buitrago as arbitrators on behalf of the Republic. The Government of Nicaragua then arbitrarily refused to recognize the appointments made by the company and declined absolutely to arbitrate the questions at issue before the four arbitrators named as aforesaid. Notwithstanding the company's protests, the Government then instituted proceedings in the local courts of Nicaragua in contravention of the provisions of article 55 of the concession, and obtained in said tribunals a declaration of forfeiture of the Cardenas-Menocal concession. This declaration of forfeiture not having been pronounced in conformity with the provisions of the concession can have no binding force whatever, and the Government of Nicaragua in refusing to make the submission to the court of arbitrators except upon its own terms and conditions in the selection of arbitrators has been guilty of a manifest breach of contract.

Fifteenth.—The Maritime Canal Company of Nicaragua for the reasons above stated hereby enters its solemn protest with the Department of State of the United States against the arbitrary, unlawful, and oppressive acts of the Government of Nicaragua:

First. In declining to arbitrate the matters in controversy in the manner provided for by article 55 of the Cardenas-Menocal concession, and in refusing to recognise

and in treating as null and void the appointment of Messrs. R. Wieser and A. G. Menocal as arbitrators, duly made by the company in conformity with the provisions of said article 55.

Second. In refusing, after the appointment of arbitrators, to proceed with the arbitration in the manner prescribed by said article 55, and in violating the provisions of the said concession by instituting proceedings against the corporation in the local tribunals of Nicaragua.

Third. In declaring a forfeiture of the said Cardenas-Menocal concession before the questions raised as to the interpretation of articles 4, 5, and 48 had been properly submitted to the tribunal of arbitrators specified in said article 55.

Fourth. In illegally seizing and confiscating the property and vested rights of the Maritime Canal Company and in refusing to surrender the same.

Sixteenth.—The Government of Nicaragua is responsible to the United States for the wrongs perpetrated by Nicaragua against the Maritime Canal Company of Nicaragua. These wrongs form an equally just ground for complaint on the part of the United States whether they proceed from the direct agency of the Governmen' Nicaragua or were inflicted by the instrumentality of the tribunals of that Rep The authority of Nicaragua within its own territory is the absolute and exc authority of a sovereign power, and the company has absolutely no other mo redress or protection against the wrongs which have been inflicted upon its bo holders and stockholders by the Government of Nicaragua, except through the int vention of the United States.

Mr. Cass, Secretary of State, in his communication to Mr. Lamar, of July 25, 1858, states:

"What the United States demand is, that in all cases where their citizens have entered into a contract with the proper Nicaraguan authorities, and questions have arisen, or shall arise, respecting the fidelity of their execution, no declarations of forfeiture, either past or to come, shall possess any binding force unless pronounced in conformity with the provisions of the contract, if there are any, or if there is no provision for that purpose, then, unless there has been a fair and impartial investigation in such a manner as to satisfy the United States that the proceeding has been just and that the decision ought to be submitted to. Without some security of this kind this Government will consider itself warranted, whenever a proper case arises, in interposing such means as it may think justifiable in behalf of its citizens who may have been or who may be injured by such unjust assumption of power."

The Department of State in the communication of Secretary Hay, dated December 28, 1899, recognized the right of the company under article 55 of the concession to choose freely two of the arbitrators, and that the refusal of the Nicaraguan Government to make the submission except upon its own terms and conditions in the selection of the arbitrators would be a manifest breach of the contract. This breach of contract having taken place, the United States can not justly permit the Government of Nicaragua to wrongfully destroy and confiscate the vested rights and property of the Maritime Canal Company of Nicaragua, a corporation which it has itself chartered, and should, if necessary, employ its sovereign powers to protect the company against the wrongs done to said corporation by the said Government of Nicaragua.

Wherefore the Maritime Canal Company of Nicaragua prays the assistance and intervention of the Government of the United States in obtaining from the Government of Nicaragua a full and complete recognition of the rights of the company under the Cardenas-Menocal concession and in protecting from wrongful seizure and confiscation property and rights justly acquired and solemnly guaranteed.

Dated New York, October 23, 1900.

Respectfully,

THE MARITIME CANAL COMPANY OF NICARAGUA.

[illegible]CK, *President.*

EXHIBIT 2.

[Hiram Hitchcock, president. Thomas B. Atkins, secretary and treasurer.]

THE MARITIME CANAL COMPANY OF NICARAGUA,
New York, December 2, 1898.

Hon. JOHN HAY,
Secretary of State.

SIR: The Maritime Canal Company of Nicaragua, chartered by act of Congress, approved February 20, 1889, and the owner of the concession for the construction of an interoceanic ship canal granted by the Republic of Nicaragua on April 24, 1887, known as the Cardenas-Menocal concession, and also of the concession granted by the Republic of Costa Rica, both of which concessions are still outstanding and in full force and effect, hereby presents to the Government of the United States its protest against the recent action of the Republic of Nicaragua in attempting to grant to W. D. Eyre and E. F. Cragin, on the 30th day of October, 1898, a concession for the construction of a maritime ship canal across the territory of said Republic. The company protests on the following grounds:

First.—The said action of the Republic of Nicaragua is in direct violation of Article V of the said Cardenas-Menocal concession whereby the Republic of Nicaragua binds itself not to make any subsequent concession for the opening of a canal between the two oceans during the term of the said Cardenas-Menocal concession, ratified Apri. 24, 1887. Said concession is still in full force and effect, as is admitted by Nicaragua

Second.—The said Cardenas-Menocal concession grants to the Maritime Canal Company of Nicaragua the *exclusive privilege* to excavate and operate a maritime canal across the territory of the Republic of Nicaragua between the Atlantic and Pacific oceans, and provides that the duration of such privilege shall be for ninety-nine years, to be counted from the day the canal shall be opened to universal traffic (articles 1, 7, 4, and 10). This exclusive privilege will not expire *ipso facto* at the expiration of the ten-year period granted by article 48, but will continue in full force until the end of the said term of 99 years, or until a forfeiture thereof has been lawfully declared under the provisions of article 53. No such forfeiture can, in any event, be declared under article 46 until after the expiration of the ten-year period therein referred to; and consequently the action of the Republic of Nicaragua in declaring in the Eyre-Cragin agreement that the Cardenas-Menocal concession will expire on the 10th day of October, 1899, is in violation of the terms of said concession and an unlawful attempt to deprive the company of its rights.

Third. The said action of the Republic of Nicaragua is also in direct violation of article 48 of the said Cardenas-Menocal concession, which grants a term of ten years to the company for the construction, completion, and opening of the canal for maritime navigation, and provides that if at the expiration of the ten years aforesaid the work shall not be completed so as to have the maritime communication between the two oceans opened, in consideration of the great capital the company may have invested in the enterprise, and of the good will and ability it may have shown and the difficulties encountered, the Republic binds itself to concede a new extension.

Fourth. The Maritime Canal Company having fully complied with all the provisions of articles 8, 46, 47, and 49 of the Cardenas-Menocal concession, and having invested several millions of capital in the enterprise, an absolute obligation is imposed upon the Republic of Nicaragua, under article 48, to extend the period of ten years for the completion of the canal. This right of extension is not left to the discretion of Nicaragua, but is expressly given to the company by the terms of the concession. The action of Nicaragua in passing the Eyre-Cragin contract is, therefore, an attempt to arbitrarily deprive the company of the extension to which it is lawfully entitled.

Fifth. The Republic of Nicaragua in making the aforesaid agreement with Messrs. Eyre and Cragin has been guilty of a breach of its obligations toward the Maritime

Canal Company under the Cardenas-Menocal concession, and by repudiating said obligations is attempting wrongfully to deprive the company of its property and exclusive privileges, and if permitted so to do will inflict great loss and irreparable injury upon the bondholders and stockholders of said corporation.

The facts herein stated and grounds of protest herein presented are only a part of the wrongs done to the Maritime Canal Company in connection with the construction of the canal under its concession. Other very serious wrongs have been done to said company by the Government of Nicaragua, which in due season will be stated and laid before the Government of the United States.

The grounds stated in this protest directly concern the United States as well as the Maritime Canal Company of Nicaragua.

The Maritime Canal Company of Nicaragua therefore prays the assistance and interposition of the Government of the United States in the protection of its property and exclusive rights against the aforesaid arbitrary and unlawful acts of the Republic of Nicaragua.

Respectfully,

THE MARITIME CANAL COMPANY OF NICARAGUA,
By HIRAM HITCHCOCK, *President.*

EXHIBIT 3.

[Hiram Hitchcock, president; Thos. B. Atkins, secretary and treasurer.]

THE MARITIME CANAL COMPANY OF NICARAGUA,
New York, September 8, 1899.

Hon. JOHN HAY, *Secretary of State.*

SIR: The Maritime Canal Company of Nicaragua, chartered by act of Congress approved February 20, 1889, and owner of the exclusive privilege granted by the Republic of Nicaragua to A. G. Menocal on April 24, 1887, to excavate and operate a maritime canal across the territory of said Republic between the Atlantic and Pacific oceans, hereby renews and in all respects confirms the protest dated December 2, 1898, heretofore filed by the company in the State Department against the action of the Government of Nicaragua in granting to Messrs. Edward Eyre and Edward F. Cragin on the 30th day of October, 1898, a concession purporting to be a grant in perpetuity of the exclusive right to construct an interoceanic ship canal through the territory of said Republic, and in attempting to declare that the said Menocal concession will expire on the 9th day of October, 1899. In amplification of said protest the Maritime Canal Company desires to present and lay before the Government of the United States the following supplemental and more detailed statement of the wrongs done to the said company by the Republic of Nicaragua and of the grounds for protesting against the same:

First.—The people and the Government of the United States are deeply interested in the Nicaragua Canal as a necessary means of postal, commercial, military, and naval communication between our coasts and as an indispensable highway for purposes of national protection and defense.

Acting on these great national necessities, Congress and the Executive Department of the Government have declared in laws, resolutions, treaties, and diplomatic announcements that the United States demand and will provide for opening a ship canal through the Nicaragua lakes and the San Juan River as a canal to be under the control of the United States, so that such a canal, to be so controlled, is a distinct feature in the public policy of the United States.

Nicaragua and Costa Rica in the terms of their respective concessions to the Maritime Canal Company have recognized said demand and such declaration of public policy by making their concessions to an association of Americans in New York, and

8. The failure of the Government of Nicaragua to place at the company, free of all expenses and charges, the lands required for t of the Tapitapa Canal, as required by article 14 of the concession.

9. The failure of Nicaragua to protect the property of the company which was unlawfully seized and sold to satisfy the debts of anoth notwithstanding the protests of the United States authorities.

10. The attempt of Nicaragua, through Mr. J. La Motte Morgan, company to pay to that Republic 6 per cent of its bonded indebtedn to the 6 per cent of its capital stock referred to in the concession.

11. The act of Nicaragua in granting to Messrs. Eyre and Cragin, 1898, a so-called concession for the construction of the canal, to take eff 1899, thereby attempting to repudiate the lawful obligations of the sai toward the company.

12. Other unfriendly acts on the part of Nicaragua toward the co have been open, manifest, continuous, and pronounced from the t United States interfered by executive action to protect the rights of and by legislative action to consider amendments to the charter g company.

Fifth.—The exclusive right to construct and operate the Nicaragua C to The Maritime Canal Company of Nicaragua, by contract and by t three governments, and is a vested right. The lands, right of way, privileges of the company are located in Nicaragua, and are for that rea of being protected by any judgment or process of a court of law of the and Nicaragua has attacked the company's title and right of possessio legislation, thus closing her courts to any remedy the company might able to seek. Under these circumstances, there would seem to be a mo on the part of the United States, the Government which chartered T Canal Company of Nicaragua, to protect the company, its stockholde holders, and to see that they are not unjustly deprived of their vested

A question of forfeiture of the concession for any cause, or of the expiration of the rights of the company under such concession, necessa a controversy as to the interpretations of the stipulations of said inst misunderstanding, which entitles either party thereto to demand tha settled by a court of arbitrators under section 55 of said concession, and appeals to the Government of the United States to secure to it that ri vital to its existence and to the security of its corporate rights granted b gress against the arbitrary, extrajudicial, and oppressive power of Ni is attempted to be exercised in the so-called concession granted to Mess Cragin.

The Maritime Canal Company of Nicaragua therefore prays the as intervention of the Government of the United States in the protection erty and exclusive rights against the aforesaid arbitrary and unlawful Government of Nicaragua and asks the Department of State to notify s in positive terms:

First.—That the United States will not remain passive while the vest its citizens are being unlawfully destroyed and the arbitrary act of declaring ex parte a forfeiture of the Cardenas-Menocal concession on th October, 1899, will not be countenanced.

Secondly.—That the questions which have been raised as to the proper tion of the stipulations of article 48 of said concession must be referred to by the court of arbitration provided for in article 55.

Respectfully,

THE MARITIME CANAL COMPANY OF N
By HIRAM HITCHCOCK, *President.*